

CONTENTS

Exhibit 47 – 10 CSR 10-5.480 St. Louis Area Transportation Conformity Requirements.....	Page 3
Exhibit 48 – EPA Public Involvement Guidance.....	Page 11
Exhibit 49 – Monthly APCP Concern Summary and Details 2019-2020.....	Page 23
Exhibit 50 – Application for Authority to Operate MO 780-1519 (01-17).....	Page 1085
Exhibit 51 – APCP Intermediate Operating Permit Amendments 2015-2021.....	Page 1123
Exhibit 52 – APCP Bulk Storage Facilities (August 30, 2021).....	Page 1125
Exhibit 53 – 10 CSR 10-6.060 Construction Permits Required.....	Page 1127

Exhibit 47



continuous monitoring and recording of the rolling lubricant temperature.

(D) Determination of the eighty percent (80%) emission reduction requirement in subparagraph (3)(B)1.A. shall be determined through control efficiency emissions testing.

AUTHORITY: section 643.050, RSMo Supp. 1999. *Emergency rule filed March 15, 1995, effective March 25, 1995, expired July 11, 1995. Original rule filed March 15, 1995, effective Nov. 30, 1995. Amended: Filed Feb. 9, 2000, effective Sept. 30, 2000.

*Original authority: 203.050, RSMo 1965, amended 1972, transferred to 643.050, RSMo 1986, amended 1992, 1993, 1995.

10 CSR 10-5.455 Control of Emissions From Industrial Solvent Cleaning Operations (Rescinded January 30, 2019)

AUTHORITY: section 643.050, RSMo Supp. 2011. Original rule filed Oct. 7, 1994, effective May 28, 1995. Amended: Filed July 15, 1996, effective Feb. 28, 1997. Amended: Filed Nov. 30, 2010, effective Aug. 30, 2011. Amended: Filed Sept. 16, 2011, effective May 30, 2012. Rescinded: Filed April 10, 2018, effective Jan. 30, 2019.

10 CSR 10-5.480 St. Louis Area Transportation Conformity Requirements

PURPOSE: This rule implements section 176(c)(4)(E) of the Clean Air Act (CAA), as amended (42 U.S.C. 7401-7671q.), and the related requirements of 23 U.S.C. 109(j), with respect to the conformity of transportation plans, programs, and projects which are developed, funded, or approved by the United States Department of Transportation (DOT) and by metropolitan planning organizations (MPOs) or other recipients of funds under Title 23 U.S.C. or the Federal Transit Laws (49 U.S.C. Chapter 53). This rule sets forth policy, criteria, and procedures for demonstrating and assuring conformity of such activities to the applicable implementation plan, developed pursuant to section 110 and part D of the CAA. This rule applies to the St. Louis ozone and $PM_{2.5}$ nonattainment and carbon monoxide maintenance areas.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in

this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Applicability.

(A) This rule applies to all Environmental Protection Agency (EPA) designated nonattainment and maintenance areas for transportation-related criteria pollutants.

(B) The purpose of this rule is to fulfill the requirement in 40 CFR 51.390(b) to establish a state implementation plan (SIP) revision that includes the following three (3) sections of the federal transportation conformity rule:

1. 40 CFR 93.105, which addresses consultation procedures;

2. 40 CFR 93.122(a)(4)(ii), which states that conformity SIPs must require that written commitments to control measures be obtained prior to a conformity determination if the control measures are not included in a metropolitan planning organization (MPO) transportation plan and transportation improvement program (TIP) and that such a commitment be fulfilled; and

3. 40 CFR 93.125(c), which states that conformity SIPs must require that written commitments to mitigation measures be obtained prior to a project-level conformity determination and that project sponsors comply with such commitments.

(C) Once this rule is approved by the EPA into the Missouri State Implementation Plan, it has full legal effect. Conformity determinations will be governed by these criteria and procedures as well as any applicable portions of the federal conformity rule that are not addressed by the state rule.

(D) The Federal Transportation Conformity Rule (for reference) is located at 40 Code of Federal Regulations (CFR) 93.100 through 93.129.

(2) Definitions.

(A) Definitions for key words and phrases used in this rule may be found in subsection 40 CFR 93.101 of 40 CFR 93 Subpart A, promulgated as of July 1, 2009, including the revision published at 75 FR 14283 (effective April 23, 2010) and hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, DC 20408. This rule does not incorporate any subsequent amendments or additions.

(B) Participants in the interagency consultation process will be comprised of manage-

ment and technical staff members from the following public agencies:

1. City of St. Louis Department of Health Air Pollution Control Program—a local air agency;

2. East-West Gateway Council of Governments—the metropolitan planning organization;

3. Federal Highway Administration, Illinois Division—a federal transportation agency;

4. Federal Highway Administration, Missouri Division—a federal transportation agency;

5. Federal Transit Administration, Region 7—a federal transportation agency;

6. Illinois Department of Transportation—a state transportation agency;

7. Illinois Environmental Protection Agency's Bureau of Air—a state air agency;

8. Madison County Highway Department—a local transportation agency;

9. Madison County Transit District—a local mass-transit agency;

10. Metro (Bi-State Development Agency)—a local mass-transit agency;

11. Missouri Department of Natural Resources' Air Pollution Control Program—a state air agency;

12. Missouri Department of Transportation—a state transportation agency;

13. St. Clair County Department of Roads and Bridges—a local transportation agency;

14. St. Clair County Transit District—a local mass-transit agency;

15. St. Louis County Department of Health—a local air agency;

16. St. Louis County Department of Highways—a local transportation agency;

17. U.S. Environmental Protection Agency, Region 5—a federal air agency; and

18. U.S. Environmental Protection Agency, Region 7—a federal air agency.

(C) When a reference is made in this rule to the state air agencies, the local air agencies, the state transportation agencies, the local transportation agencies, the MPO, the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), and the EPA, this means the corresponding public agencies as indicated in subsection (2)(B) of this rule that are participants in the interagency consultation process.

(D) The process for additional agency participation is as follows:

1. For local transportation agencies, the MPO and the Illinois Department of Transportation will jointly appoint Illinois representatives, and the MPO and the Missouri Department of Transportation will jointly appoint Missouri representatives;

2. For local air agencies, the MPO and the Missouri Department of Natural Resources will jointly appoint Missouri representatives, and the MPO and the Illinois Environmental Protection Agency's Bureau of Air will jointly appoint Illinois representatives;

3. For local mass-transit agencies, the MPO and the Illinois Department of Transportation will jointly appoint Illinois representatives, and the MPO and the Missouri Department of Transportation will jointly appoint Missouri representatives;

4. Nothing in this paragraph will preclude the authority of the lead agencies listed in subparagraphs (3)(B)1.A., B., and C. of this rule to involve additional agencies in the consultation process which are directly impacted by any project or action subject to this rule; and

5. Representatives appointed under paragraphs (2)(D)1., 2., 3., and 4. of this rule will not come from an agency already represented as a consulting agency under subsection (2)(B) of this rule.

(E) Metropolitan planning organization (MPO)—That organization designated as being responsible, together with the state, for conducting the continuing, cooperative, and comprehensive planning process under 23 U.S.C. 134 and 49 U.S.C. 5303. It is the forum for cooperative transportation decision-making. The East-West Gateway Council of Governments is the MPO for the St. Louis metropolitan area and the organization responsible for conducting the planning required under section 174 of the CAA.

(F) Definitions of certain terms specified in this rule, other than those defined in this rule section, may be found in 10 CSR 10-6.020.

(3) General Provisions.

(A) General. This section of the rule provides the general aspects of the transportation conformity interagency consultation process.

1. Pursuant to 40 CFR 51.390, this rule provides for interagency consultation (federal, state, and local), resolution of conflicts, public consultation procedures (per 40 CFR 93.105), and written commitments to control measures (40 CFR 93.122(a)(4)(ii)) and mitigation measures (40 CFR 93.125(c)).

2. Such consultation procedures will be undertaken by the MPO, the state transportation agencies, and the FHWA and the FTA with state and local air quality agencies and the EPA prior to making conformity determinations and by state and local air agencies and the EPA with the MPO, the state transportation agencies, and the FHWA and the FTA in developing applicable implementation

plans.

(B) Interagency Consultation Procedures. This section of the rule provides the specific aspects of the transportation conformity interagency consultation process.

1. General factors.

A. Representatives of the MPO and the public agencies listed in subsection (2)(B) of this rule will undertake an interagency consultation process in accordance with this section with each other and with the EPA, the FHWA, and the FTA on the development of the transportation conformity state implementation plan (SIP), the transportation plan, the transportation improvement plan (TIP), any revisions to the preceding documents, and all conformity determinations required by this rule.

B. The state air agencies will be the lead agencies responsible for preparing the final document or decision and for assuring the adequacy of the interagency consultation process with respect to the development of applicable transportation-related implementation and control strategy SIP revisions for their respective areas of jurisdiction.

C. The East-West Gateway Council of Governments (St. Louis's metropolitan planning agency (MPO)) will be the lead agency responsible for preparing the final document or decision and for assuring the adequacy of the interagency consultation process with respect to the development of the long-range transportation plan, the TIP, any amendments or revisions thereto, and for providing assistance for technical analyses by employing travel-demand modeling techniques and acquiring all necessary data in the metropolitan area under its jurisdiction.

D. In addition to the lead agencies identified in subparagraphs (3)(B)1.A., B., and C. of this rule, other agencies entitled to actively participate in the interagency consultation process under this rule are listed in subsection (2)(B) of this rule.

E. It will be the role and responsibility of each lead agency in an interagency consultation process, as specified in subparagraphs (3)(B)1.A., B., and C. of this rule, to confer with all other agencies identified in subparagraphs (3)(B)1.A., B., C., and D. of this rule, to provide all appropriate information to those agencies needed for meaningful input, to solicit early and continuing input from those agencies, to conduct the consultation process described in 40 CFR 93.105, to assure policy-level contact with those agencies, to consider the views of each such agency and respond to those views in a period not to exceed thirty (30) days from the date received prior to any final decision on such document, and to assure that such views and

written response are made part of the record of any decision or action. Each lead agency will provide all necessary documentation for review at the initiation of, or prior to, the review and comment period. Information for scheduled meetings will be distributed to participants at least seven (7) days before the scheduled meeting. It will be the role and responsibility of each agency specified in subparagraphs (3)(B)1.A., B., C., and D. of this rule, when not fulfilling the role and responsibilities of a lead agency, to confer with the lead agency and other participants in the consultation process, to review and comment as appropriate (including comments in writing) on all proposed documents and decisions in a period not to exceed thirty (30) days, to attend consultation and decision meetings, to assure policy-level contact with other participants, to provide input on any area of substantive expertise or responsibility, and to provide technical assistance to the lead agency or consultation process in accordance with this rule when requested.

F. Consultation on specific transportation conformity issues, other than the continual process of keeping all the agencies informed on all conformity and SIP actions, may be initiated at any time during the document development process by any of the agencies specified in subparagraphs (3)(B)1.A., B., C., and D. of this rule. It will be the responsibility of the initiate to ensure that all other agencies identified in subparagraphs (3)(B)1.A., B., C., and D. of this rule are notified of any such action. All agencies so notified must respond to the issue(s) raised within fourteen (14) days unless an alternate schedule is agreed upon by all participants.

G. It will be the responsibility of the MPO and the state transportation agencies to provide the state and local air agencies with the latest version of the TIP, the statewide transportation improvement plan (STIP), and the transportation plan.

H. It shall be the responsibility of the state air agencies to provide the MPO, state transportation agencies, the FHWA, the FTA, and the EPA with the latest version of the SIP.

I. It will also be the responsibility of each of the agencies specified in subparagraphs (3)(B)1.A., B., C., and D. of this rule to keep their own superiors and constituents properly informed of conformity determinations.

J. The agencies specified in subparagraphs (3)(B)1.A., B., C., and D. of this rule may employ consultant services at their own discretion.

2. Specific roles and responsibilities of various participants in the interagency consultation process will be—



A. The state air agencies listed in subsection (2)(B) of this rule will be responsible in relation to SIP development for—

(I) Developing emissions inventories;

(II) Developing emissions budgets;

(III) Conducting air quality modeling;

(IV) Developing attainment and maintenance demonstrations;

(V) Revising control strategy implementation plans;

(VI) Regulatory Transportation Control Measures (TCMs) intended to provide enforceable emission reductions;

(VII) Compiling motor vehicle emissions factors;

(VIII) Meeting all the EPA reporting requirements related to air quality; and

(IX) Responding to all comments concerning the SIP;

B. The local air agencies will be responsible for their areas of jurisdiction, with the state air agencies being responsible for all remaining counties, as well as being responsible for ensuring that the local air agencies fulfill these tasks. Local air agencies may request assistance from the state air agencies in any of the responsibilities listed here;

C. The MPO will be responsible in their area of jurisdiction for—

(I) Developing and monitoring transportation plans and TIPs;

(II) Evaluating the transportation impacts and feasibility of TCMs;

(III) Developing transportation and socioeconomic data and latest planning assumptions and providing such data and planning assumptions to the state air agencies for use in air quality analysis;

(IV) Developing system- or facility-based or other programmatic (non-regulatory) TCMs;

(V) Providing technical and policy input on emissions budgets;

(VI) Performing transportation modeling including:

(a) Selecting and evaluating such models;

(b) Documenting their use in conformity determinations; and

(c) Alerting, for comment, the agencies identified in subparagraphs (3)(B)1.A., B., C., and D. of this rule, when any new model is being tested or employed;

(VII) Developing draft and final conformity determination documents for all transportation plans, TIPs, and projects;

(VIII) Monitoring and coding regionally-significant projects into the transportation networks;

(IX) Developing statistical information such as vehicle miles traveled, vehicle mix, and vehicle speeds for use in on-road mobile emissions analysis;

(X) Making elections regarding the time frame of the conformity determination under 40 CFR 93.106(d);

(XI) Identifying planning assumptions and evaluating those assumptions for consistency with SIP assumptions;

(XII) Developing draft documents, record notes, and distribute agendas prior to meetings (in person or by conference calls or other practical electronic means);

(XIII) Providing all appropriate information to those agencies needed for meaningful input and provide all draft and supportive documentation (hard copy or electronic format) in a timely manner to participating agencies; and

(XIV) Preparing the final document subject to interagency consultation will assure that all relevant documents and information are supplied to all participants in the consultation process prior to the release for public review;

D. The state transportation agencies listed in subsection (2)(B) of this rule will be responsible for—

(I) Developing the Statewide Transportation Plan and the STIP;

(II) Providing technical input on new and proposed revisions to motor vehicle emission budgets;

(III) Distributing draft and final environmental documents to other agencies;

(IV) Providing the transportation-related information needed for mobile emissions analysis;

(V) Developing the statistical information, such as vehicle miles traveled, vehicle mix, and vehicle speeds, for use in on-road mobile emission analysis for areas outside the MPO boundary;

(VI) Developing the draft document(s) related to the National Environmental Policy Act (NEPA) process, providing it for review, responding to comments, and preparing the final document(s);

(VII) Performing transportation modeling, including:

(a) Selecting and evaluating such models;

(b) Documenting their use in conformity determinations; and

(c) Alerting, for comment, the agencies identified in subparagraphs (3)(B)1.A., B., C., and D. of this rule, when any new model is being tested or employed;

(VIII) Making conformity determinations for areas outside of the MPO boundary;

(IX) Convening consultation to cooperatively choose the appropriate conformity test(s) and methodologies for use in isolated rural nonattainment and maintenance areas, as required by 40 CFR 93.109(n)(2)(iii); and

(X) Convening air quality technical review meetings on specific projects when requested by other agencies or as needed;

E. The FHWA and the FTA will be responsible for—

(I) Ensuring timely action on final determinations of conformity after receiving a final conformity determination after consultation with other agencies as provided in this rule and 40 CFR 93.105;

(II) Providing guidance on conformity and the transportation planning process to participating agencies in interagency consultation; and

(III) Reviewing and commenting on conformity determinations; and

F. The EPA will be responsible for—

(I) Reviewing motor vehicle emissions budgets in submitted SIPs and finding them adequate or inadequate based on adequacy criteria and procedures;

(II) Providing guidance on conformity criteria and procedures to agencies in interagency consultation;

(III) Approving or disapproving submitted SIP revisions (including TCMs);

(IV) Providing modeling and emissions inventory development assistance to the state air agencies, the state transportation agencies, and the MPO; and

(V) Providing comments on the regional emissions analyses and conformity determination of transportation plans, TIPs, and projects.

3. Conformity determinations.

A. All conformity determinations will be initiated by the sponsor of the transportation plan, program, or project subject to the conformity rule.

(I) The MPO will be responsible for initiating conformity determinations for plans, programs, or projects within the specific MPO boundary.

(II) The state transportation agencies will be responsible for initiating conformity determination for plans, programs, or projects external to an MPO boundary including isolated rural nonattainment and maintenance areas as required by 40 CFR 93.109(n)(2)(iii).

(III) The MPO and state transportation agencies will employ interagency consultation procedures to ensure compatibility of conformity determinations for the same or overlapping nonattainment or maintenance area(s).

B. It will be the responsibility of the MPO and the state transportation agencies to submit any conformity determinations to the FHWA and the FTA in consultation with the EPA, state air agencies, and local transportation agencies for review and approval before the plan, program, or project subject to the conformity rule may be found to conform or project found to be exempt.

C. All conformity determinations with all supporting documentation and data will be made available for review and comment in a readily-accessible manner to the state air agencies and local air agencies, and the FHWA and FTA in consultation with the EPA no less than thirty (30) days prior to presentation to a policy-making body (electronic copy acceptable). Shorter review periods may be allowed occasionally in emergency situations with participant concurrence.

D. It is the responsibility of the MPO to make all conformity determinations available to the general public by following public participation procedures.

E. Conformity determinations, at a minimum, should include written documentation for:

(I) All the input run streams for the latest mobile emissions model and latest planning assumptions on the date that the conformity analysis began (with the beginning date and the criteria used to identify this date specified) and attestation that the latest mobile emissions model is being used;

(II) Transportation-related information and assumptions used for input into the mobile model, such as vehicle miles traveled, vehicle speeds, and vehicle mix, along with a brief description of the source of this information, including documentation of any transportation-related models used; and

(III) A description of the project, plan, or program that is the subject of the conformity or exemption status determination(s).

F. State air agencies and/or local air agencies, where applicable, will review and provide written comment on final conformity determinations within fourteen (14) days of the date received. This process will consist of—

(I) Review of mobile emissions model inputs and outputs;

(II) Verification that the latest mobile emissions model and planning assumptions are being used;

(III) Review of the reasonableness of transportation-related data; and

(IV) Ensuring consistency with the emissions budget and/or the interim emission tests, as applicable.

G. It will be the responsibility of the

MPO, or the state transportation agencies where applicable, making a conformity determination, to provide the state air agencies and the applicable local air agencies, the FHWA, the FTA, and the EPA with documentation of the conformity determination.

H. It will be the responsibility of the state air agencies to provide the affected MPO, the FHWA, the FTA, the EPA, the local air agencies, and the state transportation agencies with appropriate information regarding any SIP changes that could impact the conformity process.

I. It will be the responsibility of the EPA to provide the state air agencies, the local air agencies, the FHWA, the FTA, the state transportation agencies, and the MPO information regarding changes to the conformity rule that could impact conformity determinations.

J. Emissions reduction credit from control measures that are not included in the transportation plan and TIP and that do not require a regulatory action in order to be implemented may not be included in the emissions analysis unless written commitments to implementation are obtained by the MPO (or the state transportation agencies where applicable) prior to the conformity determination and such commitments must be fulfilled by the implementing entities. This rule satisfies the requirement of 40 CFR 93.122(a)(4)(ii).

K. Written commitments to mitigation measures for project-level mitigation and control measures must be provided by the project sponsors to the FHWA (or the FTA for transit-related projects) prior to a positive project-level conformity determination and the project sponsors must comply with such commitments. This rule satisfies the requirement of 40 CFR 93.125(c).

L. In order to assure the most recent planning assumptions are in place at the time the conformity analysis begins, the “time the conformity analysis begins” is to be determined by interagency consultation and documented. This point in time should occur at the point at which the MPO begins to model the impact of the transportation plan or TIP on travel and/or emissions. New data that becomes available after an analysis begins is required to be used in the conformity determination only if a significant delay in the analysis has occurred as determined through interagency consultation and documented in writing and included in publicly available documentation of conformity analysis.

M. Consultation will be undertaken and conducted in accordance with this rule to evaluate events which will trigger new conformity determinations in addition to those

triggering events established in 40 CFR 93.104, including any changes in planning assumptions that may trigger a new conformity determination. The consultation process pursuant to this rule will be initiated by the FHWA, the EPA, the state air agencies, state transportation agencies, or the MPO.

4. Implementation plans.

A. Any proposed revisions to the SIP, which may have a direct or indirect effect upon the motor vehicle emissions budget for an area subject to conformity, will be made available to the MPO specified in this rule, as well as state transportation agencies, the FHWA, the FTA, and the EPA in written or electronic form for their review and comment at least thirty (30) days before presentation to the respective state air commissions.

B. The state air agencies will also provide the public a period from the date of announcement to comment on any proposed SIP revisions which may have a direct or indirect effect upon the motor vehicle emissions budget for an area subject to conformity as defined in subparagraph A. of this paragraph.

C. Any proposed revisions to the SIP will include documentation on methods of analysis, models employed, and purpose of the revision.

5. Other processes.

A. The state air agencies will be responsible for the process whereby the MPO, the local air agencies, the state transportation agencies, the FHWA, the FTA, and the EPA will study and develop supplementary consultation procedures to identify, evaluate, and address, as needed, specific issues. In the absence of supplementary consultation procedures, the state air agencies will include the following items for discussion during interagency consultation meetings in advance of a conformity determination:

(I) Hot-spot analysis methods, models, and assumptions;

(II) Determination of regionally-significant projects and projects considered to have a significant change in design concept and scope;

(III) Evaluating when exempt projects should be treated as non-exempt;

(IV) Timely implementation of TCMs and processing of TCM substitutions;

(V) Identifying conformity determination triggers other than those established in 40 CFR 93.104; and

(VI) Methods, models, and assumptions for regional emissions analysis.

B. These supplementary procedures in subparagraph A. of this paragraph may be specific for the metropolitan area or each nonattainment or maintenance area subject to



the conformity rule.

C. The state air agencies will conduct meetings to discuss any supplementary consultation procedure as needed.

D. Final document distribution for conformity determinations associated with plans, TIPs, and STIPs (occasionally, alternate schedules may be used with concurrence by participants)—

(I) The final air quality conformity determination, necessary supporting documentation, and the plan and TIP will be submitted to the FHWA Division Office, the FTA Regional Office, the EPA Regional Office, the state transportation agencies, state air agencies, and any applicable local air agencies. The EPA will respond in writing to the FTA Regional Office and the FHWA Division Office as soon as possible, but not later than thirty (30) days after EPA receives a formal request from FHWA and FTA with all the relevant documentation including the final conformity determination with supporting documentation and data;

(II) Comments will be resolved by the FHWA and the FTA, in concert with the EPA, the MPO, or the state transportation agencies, in their respective areas, as necessary;

(III) The FHWA and the FTA will jointly prepare correspondence to make the conformity finding. Joint conformity findings will be addressed to the MPO with a copy to the state transportation agencies, the EPA, the state air agencies, and any applicable local air agencies. The findings of the FHWA and the FTA together constitute the U.S. Department of Transportation (DOT) conformity findings;

(IV) In the event that the MPO or the state transportation agencies, in their respective areas, wishes to amend the TIP to add projects that are exempt from the conformity analysis requirement, the FHWA or the FTA, or both if necessary, will concur in the amendment and reaffirm the original DOT conformity finding by letter. This reaffirmation letter will reference the date(s) of the original FHWA and FTA findings. In cases where the amendment involves projects that are not exempt, a new conformity analysis and determination will be required, and will, in turn, require a new DOT conformity finding; and

(V) Within fifteen (15) days subsequent to approval of final documents including transportation plans, TIPs, conformity determinations, applicable implementation plans, and implementation plan revisions, the lead agency will provide copies (electronic copies acceptable) of such documents and supporting information to all affected agencies.

E. Generalized hot-spot determination process. Interagency consultation will be undertaken to evaluate and choose a model(s), associated methods, and planning assumptions to be used in hot-spot analyses. The generalized hot-spot determination process (occasionally, alternate schedules may be used with concurrence by participants) entails—

(I) The project sponsor (or the state transportation agencies or the MPO) will seek consensus if the project is believed to be exempt from hot-spot analysis. This can be accomplished through electronic transmittal, providing for a minimum of fourteen (14) days for review. If requested, an additional fourteen (14) days will be provided for review, as well as any additional information needed to make the determination;

(II) If the project is not exempt, the project sponsor (or the state transportation agencies or the MPO) will collect and organize and distribute specific data needed to determine whether nonexempt projects are or are not of air quality concern. This can be accomplished through electronic transmittal, providing for a minimum of fourteen (14) days for review. If requested, an additional fourteen (14) days will be provided for review, as well as any additional information needed to make the determination; and

(III) If it is determined the project is a project of air quality concern, the project sponsor (or the state transportation agencies or the MPO) will then engage and begin a consultation process to evaluate and choose a model (or models) and associated methods and assumptions to be used in hot-spot analysis. The project sponsor (or the state transportation agencies or the MPO) will make a PM_{2.5} hot-spot determination (i.e., project-level conformity determination) and request that other stakeholder agencies comment on the conclusions through formal interagency consultation as provided in this rule.

F. Regionally-significant projects. For purposes of regional emissions analysis, the MPO will actively consult with the affected agencies to determine which minor arterials and other transportation projects should be considered “regionally-significant” projects (in addition to those functionally classified as principal arterial or higher or fixed guideway systems or extensions that offer an alternative to regional highway travel) and which projects should be considered to have a significant change in design concept and scope from the transportation plan or TIP. Prior to initiating any final action on these issues, the MPO (or the state transportation agencies, if applicable) will consider the views of each agency that comments and respond in writ-

ing.

G. Transportation control measures (TCMs).

(I) For each plan or TIP update, the agencies specified in subparagraphs (3)(A)2.A., B., C., and D. to participate in consultation will review whether past obstacles to implementation of TCMs which are behind the schedule established in the applicable implementation plan are being overcome and whether state and local agencies with influence over approval or funding for TCMs are giving maximum priority to approval or funding for TCMs. If necessary, consideration will be given as to whether delays in TCM implementation necessitate revisions to the applicable implementation plan to remove TCMs or substitute TCMs or other emission reduction measures.

(II) Where TCMs are to be included in an applicable implementation plan, a list of TCMs will be developed by the MPO or the state transportation agencies, or both.

H. Exempt projects which may be nonexempt. The MPO (or state transportation agencies where applicable) will commence consultation regarding potentially exempt projects to (occasionally, alternate schedules may be used with concurrence by participants)—

(I) Identify exempt projects as defined by 40 CFR 93.126 Table 2 and 40 CFR 93.127 Table 3;

(II) Identify exempt projects and categories of exempt projects which should be treated as nonexempt because they may have adverse air quality impacts and determine appropriate air quality analysis methodologies for analyzing such projects;

(III) Identify transportation plan, TIP, and STIP revisions which add or delete exempt projects, as defined in 40 CFR 93.126 Table 2 and 40 CFR 93.127 Table 3; and

(IV) The MPO (or the state transportation agencies where applicable) will seek consensus from the consultation participants if the project is believed to be exempt. This can be accomplished through electronic transmittal, providing for a minimum of fourteen (14) days for review. If requested, an additional fourteen (14) days will be provided for review, as well as any additional information needed to make the determination.

I. Project disclosure—

(I) The sponsor of any potentially regionally-significant project, and any agency that is responsible for taking action(s) on any such project, will disclose such project to the state transportation agencies and the MPO in a timely manner. Such disclosure will be made not later than the first occasion on which any

of the following actions is sought: any policy board action necessary for the project to proceed; the issuance of administrative permits for the facility or for construction of the facility; the execution of a contract to design or construct the facility; the execution of any indebtedness for the facility; any final action of a board, commission, or administrator authorizing or directing employees to proceed with design, permitting, or construction of the project; the execution of any contract to design or construct; or any approval needed for any facility that is dependent on the completion of the regionally-significant project. To help assure timely disclosure, the sponsor of any potentially regionally-significant project will disclose to the state transportation agencies and the MPO on a schedule prescribed by the state transportation agencies and the MPO, but no less than annually, each project for which alternatives have been identified through the National Environmental Policy Act (NEPA) process and any preferred alternative that may be a regionally-significant project. The consultation process will include assuming the location, design concept, and scope of the project, where the sponsor has not yet decided these features, in sufficient detail to allow the MPO (or the state transportation agencies) to perform a regional emissions analysis. This consultation process pursuant to this rule will be initiated by the state transportation agencies and the MPO; and

(II) In the case of any such regionally-significant project that has not been disclosed to the MPO and the other interested agencies participating in the consultation process in a timely manner, such regionally-significant project will not be considered to be included in the regional emissions analysis supporting the current conformity determination and not to be consistent with the motor vehicle emissions budget in the applicable implementation plan or interim budget.

J. Transportation model development. An interagency consultation process in accordance with the interagency consultation procedures outlined in this rule will be undertaken for the design, schedule, and funding of research and data collection efforts related to regional transportation model development (such as household travel transportation surveys), to be initiated by MPO.

K. Responding to significant comments. If the written response to a significant comment does not adequately address the commenting agency's concerns, further consultation is to be conducted. If a regularly-scheduled meeting is to be held within a reasonable time frame of the receipt of the significant comment, it should be made a part of that meeting's agenda and information on the

issue will be forwarded to all involved agencies. If necessary, discussion and resolution of the significant comment will be considered a reason to convene a special meeting with the commenting agency as the requester and the agenda consisting of the significant comment.

6. Resolving conflicts. Any conflict among state agencies or between state agencies and the MPO will be escalated to the governor if the conflict cannot be resolved by the heads of the involved agencies. All agencies involved will make every effort to resolve any differences, including personal meetings between the heads of such agencies or their policy-level representatives, to the extent possible. The appeal process described herein will apply only to the MPO (or the state transportation agencies) approved conformity determinations on the transportation plan, TIP, or projects (including project-level determinations), including any documents directly related to determinations of conformity and conflicts between state agencies or between one (1) or more state agencies and the MPO. Conflicts regarding SIPs should be appealed to the respective state air commissions.

A. In the event that the MPO or the state transportation agencies determine that every effort has been made to address the state air agencies' concerns and no further progress is possible, the MPO or the state transportation agencies will notify the directors of the respective state air agencies in writing to this effect. The memorandum will delineate each unresolved issue to be appealed and will include, at a minimum:

(I) The legal basis of the issue/conflict and steps taken to resolve the conflict;

(II) Relevant reference material needed to facilitate review and mediation of the conflict, including all relevant portions of state and federal law and regulations, conformity requirements, and any other relevant documents;

(III) A description of all reasonable alternatives and supporting data and justification for each alternative. Quantify and document the need for the recommended alternative consistent with the Clean Air Act of 1990 et seq. and the applicable state and federal laws and regulations; and

(IV) An explanation of the consequences of not reaching a resolution.

B. If conflicts concerning conformity determinations cannot be resolved by the interagency consultation procedures, then the state air agencies will notify the agency or agencies involved in the conflict of its intent to escalate the conflict resolution to the office of the governor within fourteen (14) calendar

days.

C. The fourteen (14)-calendar-day window will commence—

(I) On the date that the directors of the state air agencies and the head of the agency or agencies involved in the conflict officially agree that the conflict cannot be resolved; or

(II) One (1) or more agencies other than the state air agencies request the start of the fourteen (14)-day clock on a specified date, after notifying all other agencies involved of their intent, and the state air agencies agree.

D. If the state air agencies do not contact the office of the governor within the fourteen (14)-calendar-day window, then the issue in conflict is considered to be resolved in favor of the agency in conflict with the state air agencies.

E. The governor may delegate his or her role but not to the head or staff of the state air agencies, the state transportation agencies, a state transportation commission or board, or an MPO.

F. The state air agencies will notify involved parties of the final decision by the office of the governor.

7. Public participation.

A. Each agency subject to conformity will provide the general public a window of opportunity no less than thirty (30) days to review and comment on new conformity determinations before formal action (approval or endorsement by an executive committee of the MPO for submission to the FHWA and the FTA for their finding) is taken on all transportation plans, TIPs, and STIPs, consistent with these requirements and those of 23 CFR 450.316(a). A comment period of no less than fourteen (14) days will be made available to the public on amendments to conformity determinations and associated documents. The state and local air agencies will offer the public the same opportunity to comment before final action on SIPs which may have a direct or indirect effect upon the motor vehicle emissions budget for an area subject to conformity. The notification process will include, at a minimum, public notices and submittals to public depositories. In addition, all public comments that specifically address known plans for a regionally-significant project which is not receiving FHWA or FTA funding or approval and has not been properly reflected in the emissions analysis supporting a proposed conformity determination for a transportation plan or TIP, must be responded to in writing within thirty (30) days of the end of the comment period.

B. The public participation procedure defined in subparagraph A. of this paragraph



will not be construed as superseding public involvement procedures already in effect for agencies subject to the conformity consultation process, such as the MPO's citizen involvement process, the Missouri Sunshine Law (Chapter 610, RSMo), or any other established process which already meets or exceeds the requirements of subparagraph (3)(B)7.A. of this rule. In addition, this subparagraph does not apply to project-level conformity determinations subject to NEPA where a NEPA public participation process exists.

C. The public or any interested party may also inspect any of the documents related to the conformity process upon request. Any charges imposed on the public for inspection or copying documents related to the conformity process will be consistent with (or no greater than) the fee schedule contained in 49 CFR 7.43.

(4) Reporting and Record Keeping. (*Not Applicable*)

(5) Test Methods. (*Not Applicable*)

AUTHORITY: section 643.050, RSMo 2000.* *Original rule filed Oct. 4, 1994, effective May 28, 1995. Amended: Filed May 1, 1996, effective Dec. 30, 1996. Amended: Filed June 15, 1998, effective Jan. 30, 1999. Amended: Filed Feb. 14, 2003, effective Sept. 30, 2003. Amended: Filed April 1, 2005, effective Dec. 30, 2005. Amended: Filed Oct. 24, 2006, effective July 30, 2007. Amended: Filed July 1, 2010, effective Feb. 28, 2011.*

*Original authority: 643.050, RSMo 1965, amended 1972, transferred from 203.050 in 1986, 1992, 1993, 1995.

10 CSR 10-5.490 Municipal Solid Waste Landfills

PURPOSE: *This rule requires municipal solid waste landfills to monitor their non-methane organic compound (NMOC) emissions. Landfills having NMOC emission rates above the regulatory cutoff shall design and install a gas collection and control system.*

PUBLISHER'S NOTE: *The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the*

reference material. The entire text of the rule is printed here.

(1) Applicability.

(A) This rule applies to all municipal solid waste (MSW) landfills located in the St. Louis ozone nonattainment area (Jefferson, Franklin, St. Charles, St. Louis Counties, and St. Louis City) that have accepted waste any time since November 8, 1987, or have additional capacity available for future waste deposition.

(B) For purposes of obtaining an operating permit under Title V of the Clean Air Act, the owner or operator of an MSW landfill subject to this rule with a design capacity less than two and one-half (2.5) million megagrams or two and one-half (2.5) million cubic meters is not subject to the requirements to obtain an operating permit for the landfill under 40 *Code of Federal Regulations* (CFR) 70 or 71, unless the landfill is otherwise subject to either 40 CFR 70 or 71. For purposes of submitting a timely application for an operating permit under 40 CFR 70 or 71, the owner or operator of an MSW landfill subject to the rule with a design capacity greater than or equal to two and one-half (2.5) million megagrams and two and one-half (2.5) million cubic meters on the effective date of EPA approval of the state's program under section 111(d) of the Clean Air Act (June 23, 1998), and not otherwise subject to either 40 CFR 70 or 71, becomes subject to the requirements of 40 CFR 70.5(a)(1)(i) or 71.5(a)(1)(i) ninety (90) days after the effective date of such 111(d) program approval, even if the design capacity report is submitted earlier.

(C) When an MSW landfill subject to this rule is closed, the owner or operator is no longer subject to the requirement to maintain an operating permit under 40 CFR 70 or 71 for the landfill if the landfill is not otherwise subject to the requirements of either 40 CFR 70 or 71 and if either of the following conditions is met:

1. The landfill was never subject to a requirement for a control system under section (3) of this rule; or

2. The owner or operator meets the conditions for control system removal specified in section 60.752(b)(2)(v) of 40 CFR 60, Subpart WWW.

(D) Physical or operational changes made to an existing MSW landfill solely to comply with this rule are not considered construction, reconstruction, or modification for the purposes of this rule.

(2) Definitions. Definitions of certain terms specified in this rule may be found in 10 CSR 10-6.020.

(3) Standards for Air Emissions from Municipal Solid Waste Landfills. Provisions of 40 CFR 51, 40 CFR 52, 40 CFR 60, and 40 CFR 258 are incorporated by reference in subsection (3)(C) of this rule. Also, the *Compilation of Air Pollutant Emission Factors, Volume I: Stationary Point and Area Sources*, AP-42, Fifth Edition, January 1995 (hereafter AP-42), as published by the Government Printing Office, 732 North Capitol Street NW, Washington, DC, 20401, shall apply and is hereby incorporated by reference, including Supplement E dated November 1998. This rule does not incorporate any subsequent amendments or additions.

(A) Each owner or operator of a municipal solid waste (MSW) landfill having a design capacity less than one (1.0) million megagrams (one and one-tenth (1.1) million tons) by mass or one (1.0) million cubic meters (one and three-tenths (1.3) million cubic yards) by volume shall submit within ninety (90) days of the rule effective date an initial design capacity report, as described in subsection (8)(A) of this rule, to the director. The landfill may calculate design capacity in either megagrams or cubic meters for comparison with the exemption values. Any density conversions shall be documented and submitted with the report. Submittal of the initial design capacity report shall fulfill the requirements of this rule, except as provided for in paragraphs (3)(A)1. and 2. of this rule.

1. The owner or operator shall submit an amended design capacity report, as provided for in paragraph (8)(A)3. of this rule.

2. When an increase in the design capacity of the landfill results in a revised maximum design capacity equal to or greater than one (1.0) million megagrams or one (1.0) million cubic meters, the owner or operator shall comply with the provisions of subsection (3)(B) of this rule.

(B) Each owner or operator of an MSW landfill having a design capacity equal to or greater than one (1.0) million megagrams or one (1.0) million cubic meters shall either comply with paragraph (3)(B)2. of this rule or calculate a nonmethane organic compounds (NMOC) emission rate for the landfill using the procedures specified in section (5) of this rule. The NMOC emission rate shall be recalculated annually except as provided for in subparagraph (8)(B)1.B. of this rule.

1. If the calculated NMOC emission rate is less than twenty-five (25) megagrams

Exhibit 4

body of your comment. If you send an e-mail comment directly to EPA without going through www.regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

Docket: All documents in the docket are listed in the www.regulations.gov index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in www.regulations.gov or in hard copy at the Board of Scientific Counselors, Executive Committee—February 2006 Docket, EPA/DC, EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the ORD Docket is (202) 566-1752.

FOR FURTHER INFORMATION CONTACT: The Designated Federal Officer via mail at: Lorelei Kowalski, Mail Code 8104-R, Office of Science Policy, Office of Research and Development, Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; via phone/voice mail at: (202) 564-3408; via fax at: (202) 565-2911; or via email at: kowalski.lorelei@epa.gov.

SUPPLEMENTARY INFORMATION:

General Information

Any member of the public interested in receiving a draft BOSC agenda or making a presentation during the conference call may contact Lorelei Kowalski, the Designated Federal Officer, via any of the contact methods listed in the **FOR FURTHER INFORMATION CONTACT** section above. In general, each

individual making an oral presentation will be limited to a total of three minutes.

The purpose of this conference call is to review, discuss, and potentially approve a draft report prepared by the BOSC Water Quality Subcommittee. Proposed agenda items for the conference call include, but are not limited to: Discussion of the Subcommittee's draft responses to the charge questions, and general report content. The conference call is open to the public.

Information on Services for Individuals with Disabilities: For information on access or services for individuals with disabilities, please contact Lorelei Kowalski at (202) 564-3408 or kowalski.lorelei@epa.gov. To request accommodation of a disability, please contact Lorelei Kowalski, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

Dated: March 14, 2006.

Kevin Y. Teichman,

Director, Office of Science Policy.

[FR Doc. E6-4067 Filed 3-20-06; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-8007-3]

Title VI Public Involvement Guidance for EPA Assistance Recipients Administering Environmental Permitting Programs (Recipient Guidance)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Guidance.

SUMMARY: EPA's Office of Civil Rights is publishing the *Title VI Public Involvement Guidance for EPA Assistance Recipients Administering Environmental Permitting Programs (Recipient Guidance)* as final. This guidance revises the previous *Draft Final Title VI Public Involvement Guidance for EPA Assistance Recipients Administering Environmental Permitting Programs (Draft Final Recipient Guidance)* issued for public comment in March 2005. The revisions made in this document reflect and include public involvement considerations suggested in written comments the Office of Civil Rights (OCR) received on the *Draft Final Recipient Guidance*. This guidance has been developed for recipients of EPA assistance that implement environmental permitting programs. It

discusses various approaches and suggests tools recipients may use to help enhance the public involvement aspects of their current permitting programs and address potential issues related to Title VI of the Civil Rights Act of 1964 (Title VI) and EPA's regulations implementing Title VI.

DATES: *Effective Date:* March 21, 2006.

ADDRESSES: Copies of the written comments received on the Draft Final Recipient Guidance as well as EPA's responses to the written comments may be obtained by contacting the Office of Civil Rights at: U.S. Environmental Protection Agency, Office of Civil Rights (1201A), 1200 Pennsylvania Avenue, NW., Washington, DC 20460-1000.

FOR FURTHER INFORMATION CONTACT: Karen Randolph, U.S. Environmental Protection Agency, Office of Civil Rights (1201A), 1200 Pennsylvania Avenue, NW., Washington, DC 20460-1000, telephone (202) 343-9679.

SUPPLEMENTARY INFORMATION:

Table of Contents

- A. Preamble
- B. Review of Public Comments and Revisions to the Draft Guidance
- C. Title VI Public Involvement Guidance for EPA Assistance Recipients Administering Environmental Permitting Programs (Recipient Guidance)

A. Preamble

Today's **Federal Register** document contains the guidance document entitled, the *Title VI Public Involvement Guidance for EPA Assistance Recipients Administering Environmental Permitting Programs (Recipient Guidance)*. It offers recipients of U.S. Environmental Protection Agency assistance, suggestions on public involvement approaches they may use to help enhance their current environmental permitting programs to better address potential issues related to Title VI of the Civil Rights Act of 1964, as amended, (Title VI) and EPA's Title VI implementing regulations.¹ The *Recipient Guidance* addresses and incorporates public involvement suggestions EPA's Office of Civil Rights (OCR) received on the *Draft Final Title VI Public Involvement Guidance for EPA Assistance Recipients Administering Environmental Permitting Programs (Draft Final Recipient Guidance)*. This Recipient Guidance will replace the *Draft Final Recipient Guidance* which was issued in March 2005.² Much of the

¹ Title VI of the Civil Rights Act of 1964, Public Law 88-352, 78 Stat. 252 (codified as amended at 42 U.S.C. 2000d to 2000-7); 40 CFR part 7.

² 70 FR 10625 (2005).

information in this Recipient Guidance is based on EPA's commitment to early and meaningful public involvement throughout the entire permitting process.

The *Draft Final Recipient Guidance* was developed to revise the *Draft Title VI Guidance for EPA Assistance Recipients Administering Environmental Permitting Programs (Draft Recipient Guidance)* published in June 2000. Prior to issuing the *Draft Recipient Guidance*, EPA considered public input, the work of the Title VI Implementation Advisory Committee of EPA's National Advisory Council for Environmental Policy and Technology (NACEPT)³, the work of the Environmental Council of States (ECOS)⁴, particularly its October 9, 1998 draft *Proposed Elements of State Environmental Justice Programs*, and input from available state environmental justice programs. The *Draft Recipient Guidance* discussed approaches to complaints alleging discrimination during the public participation portion of the permitting process, as well as complaints alleging discriminatory human health effects, environmental effects and adverse disparate impacts resulting from the issuance of permits. The *Draft Recipient Guidance* also discussed how these approaches could be used to address concerns before the filing of complaints.

EPA also published the *Draft Revised Guidance for Investigating Title VI Administrative Complaints Challenging Permits (Draft Revised Investigative Guidance)* in June 2000. The *Draft Revised Investigation Guidance* discussed how OCR would process complaints alleging adverse disparate health impacts from the issuance of environmental permits. To avoid redundancy, OCR decided that the *Recipient Guidance* would only focus on approaches recipients can use to enhance the public involvement portion of their permitting programs. Discussions on disparate and other

adverse impacts may be included in guidance to be published at a later date. Today, EPA is issuing the *Recipient Guidance* as final.

B. Review of Public Comments and Revisions to the Draft Guidance

EPA received few comments regarding the *Draft Final Recipient Guidance*. Some of the comments received pertained to the public involvement practices suggested in the *Draft Final Recipient Guidance*. Other comments focused on how OCR should interpret and implement EPA's Title VI regulations. OCR only addressed comments that pertained to the focus of this guidance, which is suggested public involvement practices recipients can use to help ensure that federal funding is used in compliance with the provisions of Title VI and EPA's Title VI implementing regulations. As a result of some of the comments received, OCR revised the document to include a discussion on the need and importance of ensuring a level playing field for all stakeholders before coming to the table to negotiate issues in the Alternative Dispute Resolution (ADR) process, further explanations regarding some of the suggested approaches to help address potential siting issues, revisions on how OCR intends to conduct their "due weight" analysis, and an additional section on The Interface Between Public Involvement and The Rehabilitation Act. OCR has decided to address the comments by revising and incorporating new language into the final version of this guidance.

C. Title VI Public Involvement Guidance for EPA Assistance Recipients Administering Environmental Permitting Programs (Recipient Guidance)

I. Introduction

- A. Purpose of This Guidance
- B. Title VI of the Civil Rights Act of 1964
- C. EPA's Guiding Principles for Title VI and the Recipient Guidance
- D. The Interface Between Public Involvement and Title VI
- E. The Interface Between Public Involvement and the Rehabilitation Act
- F. Scope and Flexibility

II. Approaches to Meaningful Public Involvement

- A. Developing and Implementing an Effective Public Involvement Plan
- B. Training Staff
- C. Involving the Public Early and Often Throughout the Permitting Process
- D. Encouraging Stakeholder and Intergovernmental Involvement
- E. Equipping Communities With Tools to Help Ensure Effective Public Involvement
- F. Making Assistance/Grants Available to the Public

G. Using Alternative Dispute Resolution Techniques

III. Suggested Approaches for Reducing Some Common Title VI Complaints

- A. Language
- B. Siting
- C. Insufficient Public Notices
- D. Information Repository

IV. Evaluating Approaches for Meaningful Public Involvement

- V. Due Weight
- VI. Conclusion
- VII. Bibliography

I. Introduction

A. Purpose of This Guidance

This guidance is written for recipients⁵ of U.S. Environmental Protection Agency assistance⁶ that administer environmental permitting programs. It offers suggestions on approaches and ways to address public involvement situations to ensure that federal funding is used in compliance with the provisions of Title VI of the Civil Rights Act of 1964, as amended (Title VI)⁷ and EPA's Title VI implementing regulations.⁸ The approaches discussed in this guidance may be used to create new public involvement activities or to enhance existing public involvement activities to address allegations of discriminatory public participation practices during the permitting process.

This is a guidance document, not a regulation. This document offers suggestions to recipients about enhancing public involvement processes in environmental permitting, and addressing potential Title VI issues before complaints arise. Recipients remain free to use approaches other than the ones suggested here. In addition, EPA recipients may consider other approaches and ideas, either on their own or at the suggestion of

⁵ "Recipient" is defined as "any State or its political subdivision, any instrumentality of a State or its political subdivision, any public or private agency, institution, organization, other entity, any person to which Federal financial assistance is extended directly or through another recipient, including any successor, assignee, or transferee of a recipient, but excluding the ultimate beneficiary of the assistance." 40 CFR 7.25.

⁶ EPA assistance is defined as "any grant or cooperative agreement, loan, contract (other than a procurement contract or a contract of insurance or guaranty), or any other arrangement by which EPA provides or otherwise makes available assistance in the form of: (1) Funds; (2) Services of personnel; or (3) Real or personal property or any interest in or use of such property, including (i) Transfers or leases of such property for less than fair market value or for reduced consideration; and (ii) Proceeds for a subsequent transfer or lease of such property if EPA's share of its fair market value is not returned to EPA."

⁷ Public Law 88-352, 78 Stat. 252 (codified as amended at 42 U.S.C. 2000d to 2000d-7).

⁸ 40 CFR part 7, Nondiscrimination in Programs or Activities Receiving Federal Assistance from the Environmental Protection Agency.

³ NACEPT consists of a representative cross-section of EPA's partners and principle constituents who provide advice and recommendations to the Administrator of EPA on a broad range of environmental policy, technology, and management issues regarding new strategies that the Agency is developing. The Council is a proactive, strategic panel of experts that identifies emerging challenges facing EPA and responds to specific charges requested by the Administrator and the program office managers.

⁴ The mission of ECOS involves championing the role of the States in environmental protection and articulating state positions to Congress, Federal agencies and the public on environmental issues. This mission is often advanced by writing letters, making presentations, and working in coalition with other groups to advocate on behalf of the states on environmental matters.

interested parties. Interested parties are free to raise questions and objections regarding this guidance and the appropriateness of using these recommendations in a particular situation. EPA will take into consideration whether the recommendations are appropriate in that situation. This document does not change or act as a substitute for any legal requirements. Rather, the sources of authority and requirements for Title VI programs are the relevant statutory and regulatory provisions.

B. Title VI of the Civil Rights Act of 1964

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin under any program or activity of a Federal financial assistance recipient. Title VI itself prohibits intentional discrimination. However Congress directed that its policy against discrimination by recipients of Federal assistance be implemented, in part, through administrative rulemaking. Since 1964, regulations promulgated by Federal agencies implementing Title VI have uniformly prohibited conduct or actions by a recipient which have the effect of discriminating on the basis of race, color or national origin. Title VI "delegated to the agencies in the first instance the complex determination of what sorts of disparate impacts upon minorities constituted sufficiently significant social problems, and were readily enough remediable, to warrant altering the practices of the Federal grantees that had produced those impacts."⁹

EPA initially issued Title VI regulations in 1973 and revised them in 1984.¹⁰ Entities applying for EPA financial assistance submit assurances with their applications stating that they will comply with the requirements of EPA's regulations implementing Title VI with respect to their programs or activities.¹¹ When the recipient receives EPA assistance, they accept the obligation to comply with EPA's Title VI implementing regulations. Recipients must also adopt grievance procedures that assure the prompt and fair

resolution of complaints which allege violations of EPA's Title VI regulations.¹² When an applicant receives EPA assistance, they may not issue permits that are intentionally discriminatory, or use "criteria or methods of administering its program or activity which have the effect of subjecting individuals to discrimination because of their race, color, or national origin."¹³ Persons, or their authorized representatives, who believe Federal financial assistance recipients are not administering their programs in a nondiscriminatory manner may file administrative complaints with EPA or other relevant Federal agencies. The complaint must be filed within 180 calendar days of a particular action taken by the recipient (for example, the issuance of an environmental permit) that allegedly has a discriminatory purpose or effect.¹⁴

The filing or acceptance for investigation of a Title VI complaint does not suspend an issued permit. Title VI complaints concern the programs and activities being implemented by Federal financial assistance recipients, and any EPA investigations of such a complaint primarily concerns the actions of recipients rather than permittees. While a particular permitting decision may act as a trigger for a complaint, allegations may involve a wider range of issues or alleged adverse disparate impacts within the legal authority of recipients. The primary means of enforcing compliance with Title VI is through voluntary compliance agreements. Suspension or termination of funding is a means of last resort.

Executive Order 12250 directs Federal agencies to issue appropriate Title VI implementing directives, either in the form of policy guidance or regulations consistent with requirements prescribed by the Department of Justice's Assistant Attorney General for Civil Rights.¹⁵ This guidance was developed as a result of the nature of Title VI complaints received in EPA's Office of Civil Rights coupled with requests for guidance from state and local agencies. This guidance focuses on public involvement approaches recipients may use to ensure that federal funding is used in compliance with the provisions of Title VI and EPA's Title VI implementing regulations.

C. EPA's Guiding Principles for Title VI and the Recipient Guidance

To ensure stakeholder involvement in the development of the *Draft Recipient Guidance*, EPA established a Title VI Implementation Advisory Committee (Title VI Advisory Committee) under the National Advisory Council for Environmental Policy and Technology (NACEPT) in March 1998. The Title VI Advisory Committee was comprised of representatives from communities, environmental justice groups, state and local governments, industry, and other interested stakeholders. EPA asked the committee to review and evaluate existing techniques that EPA funding recipients could use to administer environmental permitting programs in compliance with Title VI. Techniques evaluated could include tools for assessing potential Title VI concerns and mitigating impacts where they occur.

Core components of the Recipient Guidance are based on several threshold principles NACEPT included in their April 1999, *Report of the Title VI Implementation Advisory Committee: Next Steps for EPA, State, and Local Environmental Justice Programs*.¹⁶ EPA established guiding principles for implementing Title VI and developing the *Draft Recipient Guidance*. In implementing Title VI and developing this final guidance, EPA is reaffirming its commitment to the following principles:

- All persons regardless of race, color or national origin are entitled to a safe and healthful environment.
- Strong civil rights enforcement is essential in preventing Title VI violations and complaints.
- Enforcement of civil rights laws and environmental laws are complementary, and can be achieved in a manner consistent with sustainable economic development.
- Early, preventive steps, whether under the auspices of state and local governments, in the context of voluntary initiatives by industry, or at the initiative of community advocates, are strongly encouraged to prevent potential Title VI violations and complaints.
- Meaningful outreach and public participation early and throughout the decision-making process is critical to identify and resolve issues, and to also assure proper consideration of public concerns.
- Intergovernmental and innovative problem-solving provide the most comprehensive response to many concerns raised in Title VI complaints.

⁹ *Alexander v. Choate*, 469 U.S. 287, 293-294 (1985).

¹⁰ See memo dated October 26, 2001 from Ralph F. Boyd Jr., Assistant Attorney General for the Civil Rights Division, to the "Heads of Departments and Agencies General Counsels and Civil Rights Directors" which states the Department of Justice's position that the *Sandoval* decision at 532 U.S. 286 does not alter the validity of enforcing Title VI regulations or limit the authority and responsibility of Federal grant agencies to enforce their own implementing regulations.

¹¹ 40 CFR 7.80, EPA Form 4700-4 and Standard Form 424.

¹² 40 CFR 7.90.

¹³ 40 CFR 7.35(b).

¹⁴ 40 CFR 7.120(b)(2).

¹⁵ Executive Order 12250, 45 FR 72995 (1980) (section 1-402).

¹⁶ For a copy of this report, see: <http://www.epa.gov/civilrights/t6faca.htm>.

D. The Interface Between Public Involvement and Title VI

Public involvement should be an integral part of the permit decision-making process to help the public understand and assess how issues affect their communities. The degree of public involvement in the permitting process can directly affect the likelihood of the filing of complaints alleging discrimination. Meaningful public involvement consists of informing, consulting, and working with potentially affected and affected communities at various stages of the permitting process to address their concerns. Appropriate collaboration during the permitting process can foster trust, and help establish credible, solid relationships between permitting agencies and communities. Such collaboration may serve to ensure that concerns are identified and addressed in a timely manner to possibly reduce the filing of some Title VI complaints.

The fundamental premise of EPA's 2003 Public Involvement Policy is that "EPA should continue to provide for meaningful public involvement in all its programs, and consistently look for new ways to enhance public input. EPA staff and managers should seek input reflecting all points of view and should carefully consider this input when making decisions. EPA also should work to ensure that decision-making processes are open and accessible to all interested groups, including those with limited financial and technical resources, English proficiency, and/or past experience participating in environmental decision-making. Such openness to the public increases EPA's credibility, improves the Agency's decision-making processes, and can impact final decision outcomes. At the same time, EPA should not accept any recommendation or proposal without careful, critical examination."¹⁷ OCR suggests that EPA recipients consider using a similar approach when implementing their environmental permit programs.

The interface between public involvement and Title VI often arises when racial or ethnic communities believe that they've been discriminated against as a result of a decision made in the permitting process. OCR believes that many of these assertions of discrimination arise from a failure to adequately involve the public in the pre-decisional process prior to permit issuance. Violations of Title VI or EPA's Title VI regulations can be based solely

on discriminatory actions in the procedural aspects of the permitting process. Many Title VI complaints center around allegations of discrimination that may have been prevented, mitigated, or resolved if certain public involvement practices had been implemented by recipient agencies. OCR believes that having recipients focus on early, inclusive and meaningful public involvement throughout the entire permitting process will help ensure that Federal funding is used in compliance with the provisions of Title VI and EPA's Title VI implementing regulations.

In 1999 the Office of Solid Waste conducted a series of seven case studies to determine if the redevelopment of EPA Brownfields¹⁸ Pilots had been impeded by Title VI complaints, and to address concerns of whether these complaints may deter businesses from redeveloping Brownfields sites. The study, "Brownfields Title VI Case Studies,"¹⁹ indicated that community residents are not likely to file Title VI complaints when the redevelopment process provides for early and meaningful community involvement, and creates a benefit for the local community. In several of the case study Pilots, communities were involved in identifying and helping to resolve issues during the early stages of the process which helped build trust between stakeholders and a sense of ownership for community members. According to those interviewed, community outreach and involvement served to prevent the filing of Title VI complaints and other opposition to development projects.

E. The Interface Between Public Involvement and the Rehabilitation Act

It is important that recipients provide access and accommodation to individuals with disabilities who wish to take part in public involvement activities. Recipients may consult Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, and EPA's implementing regulations, 40 CFR Part 7. Additional documents which list information to assist recipients in providing access and accommodation are included in Section VII of this

¹⁸ EPA defines Brownfields as real property that is expanded, redeveloped, or reused which may contain or potentially contain a hazardous substance, pollutant or contaminant. Cleaning and reinvesting these properties takes development pressures off of undeveloped, open land which help to improve and protect the environment. For more information on Brownfields Cleanup and Redevelopment, see: <http://www.epa.gov/swerosps/bf/index.html>

¹⁹ For a copy of this report, see: <http://www.epa.gov/oswer/ej/ejindx.htm#titlevi> or call the hotline at 1-800-424-9346.

guidance, "Bibliography." Many of the documents listed in the bibliography refer to Title II of the Americans with Disabilities Act, 42 U.S.C. 12131 *et seq.*, but also have applicability to Section 504.

F. Scope and Flexibility

This guidance was written at the request of the states and is intended to offer suggestions to help EPA state and local recipients develop and enhance the public involvement portion of their existing permitting programs. This guidance offers a flexible framework of public involvement approaches. The information and tools discussed in this guidance include proactive approaches to enhance the public involvement aspects of their current permitting program and to help ensure that federal funding is used in compliance with the provisions of Title VI and EPA's Title VI implementing regulations.

EPA knows that because recipients may have different Title VI concerns in communities within their jurisdiction, different levels of resources, and different organizational structures, a "one-size-fits-all" Title VI public involvement approach will not adequately address every program's needs. Recipients are therefore encouraged to use the activities or approaches in this guidance that will be most beneficial in addressing each situation accordingly. While this guidance is intended to focus on issues related to public involvement in environmental permitting, recipients may also consider developing proactive approaches to promote equitable compliance assurance and enforcement of environmental laws within individual jurisdictions. However, compliance with environmental laws does not ensure compliance with Title VI. Even though recipients are not required to implement the Title VI public involvement approaches described in this guidance, they are required to operate their programs in compliance with the non-discrimination requirements of Title VI and EPA's implementing regulations.²⁰

II. Approaches to Meaningful Public Involvement

This guidance suggests a number of public involvement approaches recipients may want to adopt and implement to help address Title VI related concerns in their permitting programs. The approaches described here are not intended to be mutually exclusive. The objective of these

¹⁷ For a copy of this report, see: <http://www.epa.gov/publicinvolvement/policy2003/finalpolicy.pdf>

²⁰ 42 U.S.C. 2000d to 2000d-7, 40 CFR 7.30 and 7.35.

approaches is to have recipients fully engage as many members of the affected community as possible in the discussions and decisions made regarding issues in their community. Because of differences in culture, levels of experience, knowledge, and financial resources, recipients are encouraged to combine portions of several, or use as many approaches to the extent appropriate to satisfy their program needs. Recipients may couple these approaches with practices already in use to better implement their Title VI programs. Recipients are also encouraged to develop and implement additional approaches not mentioned in this guidance. OCR may consider the outcomes of any approaches in the analysis of a Title VI complaint that relate to programs, activities or methods of administration.²¹ Suggested approaches are listed below.

A. Developing and Implementing an Effective Public Involvement Plan

A Public Involvement Plan (PIP) is a document that serves as the basic foundation of any good public involvement program. PIPs serve as early involvement tools to identify community concerns and lay out approaches recipients plan to take to address those concerns through various outreach activities. An effective PIP includes discussions of what recipients plan to do to ensure that the needs and concerns of the affected community are addressed. In addition, an effective PIP strives to keep the community informed of the public involvement opportunities available to them during the decision-making process. An effective PIP expedites the flow of information for unexpected events, answers basic questions on issues related to the community's concerns, and helps ensure better decision outcomes to benefit the affected community. Equally important, an effective PIP provides members of the affected communities with a sense of partnership in the decision-making process underlying the permitting process. For these reasons, communities and other affected groups should be included in the development of the PIP. Recipients may decide to take the lead in contacting the necessary groups and developing their PIP as an agency, or may use a neutral third party to convene the relevant groups and facilitate the process. Either way, communities and all those affected by the decision outcome should be involved in developing the PIP, as well

as ensuring that the planning efforts of the recipient agency address those issues that are important to them.²² An effective PIP includes the following information:

- (1) An overview of the recipient's plan of action for addressing the community's needs and concerns,
- (2) A description of the community (including demographics, history, and background),
- (3) A contact list of agency officials with phone numbers and email addresses to allow the public to communicate via phone or internet,
- (4) A list of past and present community concerns (including any Title VI complaints),
- (5) A detailed plan of action (outreach activities) recipient will take to address concerns,
- (6) A contingency plan for unexpected events,
- (7) Location(s) where public meetings will be held (consider the availability and schedules of public transportation),
- (8) Contact names for obtaining translation of documents and/or interpreters for meetings,
- (9) Appropriate local media contacts (based on the culture of the community), and
- (10) Location of the information repository.

A PIP may change from one affected community group to another or for the same community group over time depending on the types of facilities in the community and the environmental issues faced by the community. PIPs are public documents that should always be available for public viewing. PIPs should be living documents that can easily be revised at any time to effectively address the needs and concerns of the affected community. Hard copies of PIPs should be made available for the public in areas that would be easily accessible to the community (e.g., libraries, community centers, etc.). Because of the informative/exchange age in which we live, PIPs should also be made available for the public electronically by way of the internet.

B. Training Staff

To understand the importance of building relationships with communities, recipients may need to make internal commitments to tailor their programs so that public involvement becomes a part of the

culture of how staff are trained and programs operate. A successful public involvement program should consist of a team of knowledgeable agency staff (possibly from different program offices within the recipient agency e.g., Permitting, Environmental Justice, etc.) who are committed to, and have the ability to reach out and engage the community early in the permitting process. Because the public may sometimes harbor frustration towards public agency officials who may not be certain about how to properly address an issue within the scope of a public meeting, it is critical for those on the public involvement team to have broad-based skills. Such skills include knowing how to communicate, understand, and address concerns of the general public. In addition, the team should be able to work well together and make sure that everyone thoroughly understands and is able to articulate agency policy, perspectives, and operating procedures of their program in a manner which the public can understand. To be most effective, the public involvement team should include at a minimum, staff capable of serving in permitting and community liaison roles. Although some staff may not have readily acquired public involvement understanding or outreach skills to communicate and work out disputes between their agency and the public in a polished manner, through training, many can acquire them.

Training should include ensuring that there is a thorough knowledge of all of the applicable requirements as well as how to engage the public throughout the entire permitting process. Team members or program staff should know and be able to explain 'what to do, how to do it, and when to do it' for the programs they work in. In addition, training should include sessions on how to actively listen to the public's concerns, the importance of seriously considering the public's opinions, and addressing the public's questions in an understandable, prompt and respectful manner. Training that emphasizes these points among others may reduce the likelihood of controversy, permitting delays and the filing of Title VI complaints. While training alone does not guarantee that delays in the permitting process or the filing of Title VI complaints will no longer occur, it is a helpful adjunct to any dispute avoidance and resolution process.

Basic elements for an effective public involvement training program that will help ensure that federal funding is used in compliance with the provisions of Title VI and EPA's Title VI implementing regulations include:

²² For suggestions on how to develop a Public Involvement Plan, see: <http://www.epa.gov/epaoswer/hazwaste/permit/pubpart/manual.htm>, http://www.epa.gov/superfund/tools/cag/ci_handbook.pdf, and <http://web.em.doe.gov/ftplink/public/doeguide.pdf>.

²¹ For further discussion of the concept of giving "due weight" to a recipient's compliance efforts in the context of a Title VI complaint, see Section V.

- Step by step training on how to explain the applicable environmental program regulations to the public in a clear and concise manner;
- Cultural and community relations sensitization;
- How to engage in a dialogue and collaboration, as well as how to build and maintain trust and mutual respect with communities;
- Skills and techniques to enable staff to effectively address community concerns in a clear and concise manner;
- A basic use of available technological communication tools such as the internet, databases, GIS tools and site maps, etc. to help identify and address potential issues in affected communities that may give rise to Title VI concerns; and
- Alternative dispute resolution techniques to enable staff to design and carry out a collaborative and informal process that can help resolve Title VI concerns.²³

C. Involving the Public Early and Often Throughout the Permitting Process

Public involvement done early and often, is essential for the success of any permitting program. Public input is a valuable element which can influence decisions made in communities hosting proposed and permitted facilities. Early involvement is not only helpful to communities, but to recipients as well, because it encourages information exchange and gives time for both parties to consider and better understand the others viewpoints before actual decisions are made.

Some regulations require permitting programs to include public involvement opportunities during certain stages of the permitting process.²⁴ While such requirements are designed to ensure that community input is obtained at critical stages of the process, the public may sometimes feel as though these opportunities do not include them as active, ongoing partners. Consider tailoring and integrating public involvement practices that engage communities into as many stages of the process as appropriate, so that public involvement becomes more of a "culture" of how agencies think and operate, as opposed to a list of measures to check off as they are completed. Examples of ways to encourage early public involvement include:

- When soliciting community input regarding upcoming decisions, take steps to get feedback from as many members of the affected community as

possible, prior to the meeting. This may mean finding out from community members, who will and will not attend the meeting. Based on that information, provide communities with alternate means of participating for those who would not be able to attend the meeting. For example, some members may want to, and have the time to attend every meeting to hear discussions of the issues every step of the way; while others, due to time constraints, would be satisfied submitting written comments or completing agency questionnaires regarding the issues, while trusting that their opinions and concerns will be considered during discussions and when decisions are made.

- Requiring facilities to hold pre-application meetings with the public prior to submitting their application to the permitting agency. Such an activity, which is required in the RCRA program,²⁵ can open the dialogue between the permit applicant and the community in the very early stages of the process. This gives the facility an opportunity to share information with the community and hear and respond to their concerns with greater sensitivity prior to submitting the permit application. Involving the public in identifying potential issues upfront and in discussions regarding possible solutions may help promote "ownership" of decisions and policies made affecting their community. This practice can help maintain community support over the life of the permit. Even though some decisions may not always fully reflect the community's views, if communities are involved early and throughout the process, they may be more willing to accept the decisions made and continue to participate in discussions to help prevent future issues. Such community involvement may help reduce the likelihood of communities challenging permit decisions toward the end of the permitting process, or filing Title VI complaints alleging discrimination.

D. Encouraging Stakeholder and Intergovernmental Involvement

Stakeholder involvement is the process of bringing together those people or groups who may be affected by decisions made regarding concerns in a community. Stakeholder groups identify, discuss and work toward resolving concerns in a collaborative manner. Groups may include but are not limited to communities, businesses, environmental justice groups, Federal, state and local governments, tribes, academia, and environmental and trade

organizations. Stakeholder involvement is vital in establishing and maintaining a successful public involvement program. Effective stakeholder involvement ensures that diverse interests are considered and gives community members from various backgrounds and cultures opportunities to take active roles to effectively contribute and possibly influence decisions affecting them and their community. As stakeholders continue to work together, they become more familiar with the character of the community and are better able to collaboratively mitigate or resolve issues as they arise.

Depending on the scope of authority, resources and expertise, the representatives in stakeholder groups can be very broad. It is important to plan and carefully consider beforehand, which stakeholders to include in the meetings, and to seek out the groups and individuals who will be most affected by the proposed action. Contacting some groups and individuals may be difficult because of their cultural or economic lifestyles, while locating and including other groups will be easier due to their known interest in the decision outcome. For instance, some Title VI concerns may involve zoning or traffic patterns. Collaborating with the governmental units responsible for regulating zoning and traffic patterns, along with the communities that will be affected by any new potential driving routes, may increase the likelihood of achieving more effective solutions to concerns raised in the Title VI context. The earlier all appropriate parties are identified, and brought into the process, including other governmental agencies, the greater the likelihood of reaching effective solutions

E. Equipping Communities With Tools To Help Ensure Effective Public Involvement

Often the public does not get involved in decision-making because of their lack of understanding or knowledge of issues affecting their community. Alternatively, the public may not articulate or formulate their concerns in a manner that clearly fits into the decision-making process underlying the issuance of a permit. As a result, the public may feel as if their views were not valued or seriously considered when final permit decisions were made. It is important that the public be equipped with necessary tools to allow them to effectively participate in the permit decision-making process. Consider offering training to educate the public on process and basic technical issues that are relevant in making

²³ See section II. G, "Using Alternative Dispute Resolution Techniques".

²⁴ See 40 CFR part 25 and part 124, Subpart A.

²⁵ See 40 CFR 124.31(b).

permitting decisions. Training that emphasizes the procedures, options and available information, may encourage community members to assume a more active role when participating in permitting discussions affecting them and their community. Doing so can affect how issues are resolved at the local and state levels. For instance, the benefits of holding educational workshops that clarify public involvement opportunities in the permitting process would create a greater understanding of the permitting process by the public and may increase the level of public involvement; which could lead to a reduction in the number of Title VI complaints filed. An effective training/information program for communities may include the following:

- An information packet with useful information or fact sheets regarding applicable environmental regulations, the public involvement opportunities in the different environmental permitting programs, and the important role community involvement plays in helping to address community concerns early in the permit decision-making process, as opposed to later in a Title VI complaint.

- Targeted or one-day training sessions on different subject matters relating to public involvement and permitting. These sessions could include presentations/discussions on the importance of public involvement or a walk through of steps included in the permit review stage, while focusing on public involvement options and opportunities in the permitting process. For example, such a session could consist of discussions on the types of information needed to review a pending permit and points on how to prepare effective technical and legal comments.

- Specific "how to" sessions for the public that illustrate through role playing how they can effectively participate and influence decisions during the public involvement process.

F. Making Assistance/Grants Available to the Public

The complex and technical nature of many permitting programs may sometimes impede effective public involvement during the permitting process. To help bridge the gap in capacity between community groups and other stakeholders, several agencies have begun to provide resources in the form of grants and free technical assistance. These types of educational resources serve to help empower communities to better equip them to actively participate in discussions and offer solutions to help address potential Title VI issues in their community.

Grants such as Technical Assistance Grants (TAGs)²⁶ and assistance through programs such as Technical Outreach Services for Communities (TOSC)²⁷ have been very successful in educating communities on technical and process issues. In addition to grants, local colleges and universities within the communities can also serve as a major resource because of their technical expertise, research capabilities and historical knowledge of issues faced by the affected communities in the past.

G. Using Alternative Dispute Resolution Techniques

The ability to address potential impacts in a timely and collaborative fashion is critical to resolving problems that may form the basis for a Title VI complaint. The handling of Title VI concerns through the formal administrative process can consume a substantial amount of time and resources for all parties involved. Therefore, EPA strongly encourages recipients to consider and use Alternative Dispute Resolution (ADR)²⁸ techniques where appropriate to prevent and address concerns regarding public involvement in the permitting process. ADR refers to voluntary procedures used to prevent and settle controversial issues by developing and implementing an outcome agreeable to all parties. The goal of ADR is for stakeholders to collaborate and resolve issues acceptable to everyone involved.

ADR includes using a wide range of processes to resolve controversial issues. All ADR techniques involve a neutral third party who assists others in designing and conducting a process for reaching possible agreement. The neutral third party should not have a stake in the substantive outcome of the process and is equally accountable to all participants in the ADR process. Often

²⁶ A TAG provides money for activities that help communities participate in decision making at eligible Superfund sites. An initial grant up to \$50,000 is available to qualified community groups so they can hire independent technical advisors to interpret and help them understand technical information about their site. TAGs may also be used to attend approved training and obtain relevant supplies and equipment. For more information, see: <http://www.epa.gov/superfund/tools/tag/index.htm>.

²⁷ The TOSC program provides free, independent, non-advocate, technical assistance to communities living near hazardous waste contaminated sites. The goal of the TOSC program is to help communities understand the underlying technical issues associated with contaminated sites in their neighborhoods so that they may be able to substantively participate in the decision-making process regarding issues in their community. For more information on TOSC, see: <http://www.epa.gov/superfund/tools/tosc/index.htm>.

²⁸ For more information on ADR techniques, contact EPA's Conflict Prevention and Resolution Center at <http://www.epa.gov/adr>.

the use of ADR includes dialogue between parties to reach acceptable solutions. Effective ADR can result in new understandings of and innovative ideas to address issues of concern. It is also particularly helpful in building better relationships that may be important for future interactions between the parties. Typically, all aspects of ADR are voluntary, including the decision to participate, the type of process used, and the content of any final agreement. For actual or potential Title VI matters, ADR can provide parties with a forum to discuss a full range of issues that may not be possible to address through formal administrative processes. Examples of ADR approaches that may be particularly relevant for Title VI concerns include:

- Facilitation—Facilitation is a process used to help parties constructively discuss complex or potentially controversial issues. Facilitators are often used to guide meetings, design approaches for discussing issues, improve communication between parties, create options, keep the parties focused on the issues at hand, and help avoid and overcome contentious situations.

- Mediation—Mediation is a process in which a neutral third party (the mediator) assists the parties in conflict, in reaching a mutually satisfying settlement of their differences. Mediators are very useful in guiding the dynamics of a negotiation especially when discussions are not productive enough to reach a mutual agreement. Good mediators are skillful at assisting parties in constructively expressing emotions, encouraging information exchange, providing new perspectives on the issues at hand, and helping to redefine issues in ways that may lead to mutual gains. Mediators often provide facilitation as well as mediation services.

- Joint Fact-Finding—Joint fact-finding is a process in which parties commit to building a mutual understanding of disputed scientific, technical, legal or other information. A neutral third party assists the group in identifying a mutually agreeable set of questions and selecting one or more substantive experts to provide information concerning the questions.

A number of factors can contribute to a successful ADR process in the Title VI context and help provide all parties with confidence to maximize their opportunity to reach resolution. These factors include:

- Designing a process for selecting a neutral third party who will be able to meet the needs of all parties. For

example, parties may need to engage a neutral third party who is bilingual or who has past experience successfully assisting in the resolution of Title VI complaints.

- Using a neutral third party to conduct a confidential situation assessment; including interviewing all parties to identify the issues and making recommendations for the ADR process prior to beginning any dialogue.

- Using a neutral third party's assistance to develop and agree on a set of guidelines or ground rules for the process to ensure that expectations of all the participants are clear from the beginning.

- Considering participants' needs for information and expertise, before coming to the table and during the process, to enhance their dialogue. For example, design a process that will allow all parties to provide necessary information in good faith and in some cases secure independent technical expertise to assist some of the parties prior to any negotiations.

Incorporating ADR early in the process when developing a Public Involvement Plan, may prevent the need to use ADR at a later stage of the process when conflicts may have escalated. Involving all affected parties in the ADR process can help ensure that the agreements reached provide solutions to reduce or eliminate: (1) Discriminatory effects resulting from the issuance of permits; and/or (2) discrimination during the public involvement process associated with the permitting process.

III. Suggested Approaches for Reducing Some Common Title VI Complaints

Listed below are four common issues often seen as part of Title VI complaints received in EPA's Office of Civil Rights. A brief statement is included explaining each allegation, along with suggestions for approaches recipients may take to reduce future complaints of a similar nature. In offering these suggestions, EPA is not addressing the merits of any specific complaint or any overarching issue. Rather, EPA is suggesting ways to improve public involvement.

A. Language

Issue: Complaints frequently note a failure to provide printed information in other languages or appropriate interpreters at meetings for non-English speaking community members to ensure their full participation in the public involvement process.

Using written translation and oral interpreters in communities with non-English speaking members help ensure broader participation from the affected community. In June 2004, EPA

published the *Guidance to Environmental Protection Agency's Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (LEP Guidance)*.²⁹ According to the LEP Guidance, individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English can be Limited English Proficient, or "LEP" and may be entitled to language assistance with respect to a particular type of service, benefit or encounter. The intent of this guidance is to suggest a balance that ensures meaningful linguistic access to LEP persons to critical services while not imposing an undue burden on small businesses, small local governments, or small nonprofit organizations. The guidance suggests four factors recipients may consider to determine if different language assistance measures are sufficient for the different types of programs and activities administered by the recipient. The use of this guidance would be helpful to recipients when determining what level of measures are needed to accommodate the LEP persons in affected communities to ensure maximum participation in the permitting process. The guidance encourages recipients to develop an implementation plan to address the identified needs of the LEP populations they serve.

Additional suggestions on approaches recipients may use to reduce and possibly avoid complaints regarding language issues include:

- While preparing your Public Involvement Plan, work with the community and consult EPA's LEP guidance to determine if translation and/or interpretation services may be needed to ensure meaningful participation. Examples of populations to consider when planning language services include, but are not limited to, persons near a plant or facility that is permitted or regulated by an EPA recipient, persons subject to or affected by environmental protection, clean-up, and enforcement actions of an EPA recipient, or persons who seek to enforce or exercise their rights under Title VI or environmental statutes and regulations. Consider whether the

affected community's ability to participate in the process may be limited by the ability of their community members to speak or understand English.

- Plan and budget in advance for translation and interpreter services. If resources are limited, consider the sharing of language assistance materials and services among and between recipients, advocacy groups, Federal grant agencies, and business organizations. Where appropriate, train and/or test the competency of bilingual staff to act as limited or ad hoc interpreters and translators.

- If in-house or local resources are not available, contact nearby colleges or universities for possible assistance for translation of interpreter services and identifying other competent but cost effective resources.

- Use multilingual fact sheets, notices, signs, maps, etc. regularly to provide meaningful access by LEP persons to information in as many aspects of the permitting process as appropriate.

B. Siting

Issue: Complaints frequently refer to the siting of facilities in neighborhoods that already host similar and often more facilities than neighborhoods in nearby communities. Complainants believe that many of these siting decisions are based on zoning regulations that are in need of revision.

Local zoning and planning authorities typically make land use zoning decisions and approve development plans to ensure they conform with existing zoning regulations. Some of the zoning regulations were enacted several decades ago. State and local environmental permitting agencies are responsible for minimizing the environmental impacts to local communities and ensuring that their practices and policies are implemented in a nondiscriminatory manner. However, some of the environmental permitting agencies may not be involved in local zoning decisions. To improve the relationship between communities and state/local governments, some permitting agencies have begun working with their local land use and planning boards to try to integrate the environmental, social and economic needs of communities early in the process, beginning in the site planning stage.³⁰

²⁹ For more information regarding improving access to services for persons with limited English proficiency, see Executive Order 13166, 65 FR 50121 (2000), and *Guidance to Environmental Protection Agency Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons*, 69 FR 35602 (2004). Recipients, Federal agencies and community organizations may also find information at: <http://www.LEP.gov>.

³⁰ For examples on how some state and local agencies are working together to address community concerns regarding siting, see the National Academy of Public Administration's July 2003 report entitled "Addressing Community Concerns: How Environmental Justice Relates to

Some approaches that may be considered to help address potential siting issues include:

- Acknowledging concerns communities have with existing facilities near residential areas and working with those communities to develop outreach strategies to address their concerns.
- Working with the appropriate authorities to ensure that data regarding the demographics and location of existing facilities in communities are considered before making local land-use and planning decisions. Understanding the existing environmental and health impacts as well as the demographics, in the areas under consideration for the siting of new facilities, may help recipients ensure they do not issue permits in a discriminatory manner.
- Revising or developing state level regulations or policies that list land-use objectives and practices to guide local zoning agencies when making siting decisions.
- Working with appropriate authorities to identify locations for new facilities that avoid net increases of pollution in communities with disproportionately high exposures or that already host a number of facilities. Title VI and EPA's implementing regulations do not expressly prohibit the siting of facilities in facility-dense areas. Recipients may choose to consider making facility density one criterion in their siting and permitting analysis to help identify communities where the potential environmental and health impacts could be significant.
- Working with local land-use and planning boards to review current land use practices in heavily populated areas, and begin developing strategies to reduce future impacts on those affected communities.
- Having state environmental agencies provide outreach and technical assistance (through training workshops) to local governments on how to engage communities in siting decisions made.
- Sharing environmental data with local governments to help them project and evaluate future impacts of proposed land use plans on existing communities before decisions are finalized.

C. Insufficient Public Notices

Issue: Complaints frequently allege the lack of meaningful opportunities for communities to participate in the public involvement process because notices are not publicized broadly enough to reach all communities.

Land Use Planning and Zoning" at <http://www.napawash.org>.

Community input plays an integral role in any successful permitting program. Public notices serve as a means to inform the public and ensure community input. Inadequate public notices can result in a lack of trust between communities and state/local agencies, permitting delays, and the filing of Title VI complaints.

Suggested approaches for reducing future complaints regarding insufficient public notices include:

- Seeking community input to find the most effective ways of getting information out to particular communities.
- Choosing outlets that are most widely used by members of the affected community (e.g., community-based church bulletins, culturally-based community newspapers, grocery stores, libraries, foreign-language radio for reaching non-English-speaking communities, the internet and other places frequently visited by members of the affected community).
- Notifying communities multiple times prior to the event (e.g., 10 to 14 days before, one week before and one day before the event is held via radio, phone, email, newspaper, etc.) to ensure the greatest level of participation.
- Announcing times, dates and locations of events clearly in the appropriate languages.
- Providing sufficient information on the purpose and scope of the meeting by listing the types of information to be discussed, along with the type of feedback/input the agency is seeking from the public.
- Providing names, addresses (including email addresses), and telephone numbers of agency contact persons.

D. Information Repository

Issue: Complaints frequently discuss the lack of an information repository or insufficient notice regarding the location and/or hours for reviewing permit information in the repository, or selection of an inconvenient location for the repository.

Information repositories should provide the public with access to accurate, detailed, and current data about facilities in their community.³¹

³¹ Federal, state and local government officials may access risk management plans (RMP) (describing potential accidental releases) and Off-site Consequence Analysis (OCA) information for official use by contacting their Implementing Agency or EPA's contractor-operated RMP Reporting Center at 301-429-5018 (e-mail: usermp.usersupport@csc.com). OCA information is available to the public at Federal reading rooms located throughout the United States and its territories. EPA also makes available RMPs without the OCA data elements that might significantly

Although states have the authority to require that facilities establish information repositories, many states do not include it as a mandatory activity in their regulations. The existence of an information repository in a community shows a responsiveness and commitment to the community's needs for comprehensive information regarding a facility. Information repositories greatly improve public participation by making important information readily accessible to communities interested in participating in the permitting process or merely wanting to keep abreast of activities at facilities in their neighborhoods. Suggestions on approaches recipients may use to reduce complaints regarding information repositories include:

- Establishing, or requiring that facilities establish information repositories, especially in cases where a significant amount of public concern is expected or has surfaced, or when the community has unique information needs;
- Choosing locations for information repositories in places most convenient and accessible to the public (e.g. local public libraries, community centers, churches, etc.);
- Establishing an online information repository for public access;
- Ensuring that the existence of the information repository is well publicized;
- Ensuring that repositories are placed in well lit and secure locations;
- Ensuring that the hours for reviewing information in the repository are convenient to the public;
- If a permitting activity is controversial or is expected to raise a lot of community interest, suggesting that the facility consider providing several copies of key documents in the repository so many people can review the information at the same time; and
- Ensuring that the repository is updated as new information is generated regarding the facility.

IV. Evaluating Approaches for Meaningful Public Involvement

It is important to periodically evaluate any implemented public involvement approach from the beginning stages of the process to identify and address areas

assist someone in targeting a chemical facility. State Emergency Response Commissions and Local Emergency Planning Committees may also provide the public with read-only access to OCA information for local facilities. Private individuals can find contact information for a local committee or get a list of facilities that have opted to make their OCA information available to the public without restriction at <http://www.epa.gov/ceppo/lepclist.htm> or by calling the EPA hotline at (800) 424-9346.

in need of improvement. The evaluation process is a fundamental part of any public involvement process. Evaluating the public involvement program on an ongoing basis gives the recipient a sense of where things are, and an indication of where things are going. Evaluating the program can also help the recipient determine whether set goals were met, make sure that the process stays on track, and allow for changes as the process moves forward.

Tools used for evaluating public involvement programs may include:

- **Informal Feedback**—Informal feedback is unstructured communication on a routine basis between the recipient agency, the community, and facilities to give everyone a chance to express how the process went, is going, and how it can be improved.
- **Questionnaires**—Questionnaires are very useful and usually consist of short to-the-point questions to determine whether the participants felt the activity was useful. Questionnaires are often used at the end of an event such as a public meeting.
- **Interviews**—Interviews are usually done under a more formal setting when feedback is needed from a larger group. Feedback obtained from interviews may be used to help construct additional and more defined tools (e.g., PIPs).
- **Debriefs**—Debriefs are very useful methods for receiving internal feedback from staff members on a process. Debriefs are most successful when done shortly after the process concludes to ensure that all major issues are addressed, and suggestions for improvements can be implemented into future activities.
- **Surveys**—Surveys are very useful to obtain data or statistical information.

V. Due Weight

Many recipients, have asked OCR to provide "incentives" to help them develop proactive Title VI related approaches. Some recipients have asked OCR to recognize, and to the maximum extent possible, rely on the results of any such approaches in assessing Title VI complaints filed with EPA. While EPA encourages efforts to develop proactive Title VI-related approaches, under the Civil Rights Act of 1964, the Federal government is charged with assuring compliance with Title VI. Consequently, OCR cannot completely defer to a recipient's own assessment of whether Title VI or EPA's Title VI implementing regulations have been violated. In addition, OCR cannot rely entirely on an assertion that a Title VI approach has been followed or delegate its responsibility to enforce Title VI to

its recipients.³² Thus, regarding the processing of Title VI complaints, EPA retains the ability to:

- Decide whether to investigate the complaint using the recipient's analysis as supplemental information;
- Investigate a complaint or initiate a compliance review notwithstanding any informal resolution reached by the recipient and complainant; and
- Initiate its own enforcement actions as a general matter.

Nevertheless, EPA believes that it can, under certain circumstances, recognize the results of information submitted by recipients and give it appropriate due weight. For example, if during the course of an investigation, results of adopted approaches are submitted as evidence that EPA's Title VI regulations have not been violated, EPA will review the approach and results to determine how much weight to give the submission in its investigation.³³

Some recipients may develop procedures for their permitting programs that meet certain criteria designed to ensure a nondiscriminatory public involvement process. The weight given any evidence related to the public involvement process and the extent to which OCR may rely on it in its decision will likely vary depending upon:

- Whether the criteria that formed the basis for the program were sufficient to ensure a nondiscriminatory process;
- If the overall permitting process met those criteria; and
- The relevance of the recipients' public involvement programs to the allegation(s) and the thoroughness of documentation of how the recipient's process addresses the allegations.

The value that OCR expects to give public involvement approaches will likely range from no weight for procedures that have significant deficiencies, to significant weight for procedures depending on the outcome of OCR's review. Some weight would

likely be given to procedures that fall between these two extremes, such as recipient efforts to resolve specific allegations before the complaint was filed with EPA. If OCR finds that a recipient's public involvement process warrants the greatest weight, then OCR would consider the recipient's input in subsequent decisions. However, OCR reserves the right to investigate future allegations regarding complaints against recipients with comprehensive public involvement programs, without relying exclusively on input from those recipients when making subsequent decisions. In addition, OCR may conduct an investigation in cases where there is an allegation or information reveals that the public involvement process used was inadequate or improperly implemented.

VI. Conclusion

This guidance suggests approaches that recipients of EPA financial assistance may use to help enhance the public involvement aspects of their current permitting program and ensure that federal funding is used in compliance with the provisions of Title VI of the Civil Rights Act of 1964 and EPA's Title VI regulations. It emphasizes community involvement early and often in the permitting process. It examines four common allegations in Title VI complaints and offers suggestions on how to reduce the likelihood of future complaints of a similar nature. EPA believes that the approaches suggested in this guidance will help improve relations between EPA recipients and communities, enable communities to better participate in the public involvement portion of the permitting process, and give direction to EPA recipients and local decision-makers on possible ways to ensure that EPA funding is used in compliance with the provisions of Title VI and EPA's Title VI implementing regulations.

Dated: March 13, 2006.

Karen D. Higginbotham,
Director, Office of Civil Rights.

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³² See 28 CFR 50.3(b) ("Primary responsibility for prompt and vigorous enforcement of Title VI rests with the head of each department and agency administering programs of Federal financial assistance."); Memorandum from Bill Lann Lee, Acting Assistant Attorney General, U.S. Department of Justice, to Executive Agency Civil Rights Directors (Jan. 28, 1999) (titled *Policy Guidance Document: Enforcement of Title VI of the Civil Rights Act of 1964 and Related Statutes in Block Grant-Type Programs*) ("It is important to remember that Federal agencies are responsible for enforcing the nondiscrimination requirements that apply to recipients of assistance under their programs.").

³³ In addition to the analyses and procedures described in this section, OCR also intends to consider other available and relevant evidence from both the recipient and complainant, such as meeting minutes, correspondence, empirical data, interviews, etc., as appropriate.

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[FR Doc. 06-2691 Filed 3-20-06; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-8046-9]

Adequacy of Wisconsin Municipal Solid Waste Landfill Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final determination of adequacy.

SUMMARY: The U.S. Environmental Protection Agency Region 5 is approving a modification to Wisconsin's approved municipal solid waste landfill (MSWLF) permit program. The modification allows the State to issue research, development and demonstration (RD&D) permits to owners and operators of MSWLF units in accordance with its state law.

DATES: This final determination is effective March 21, 2006.

FOR FURTHER INFORMATION CONTACT: Susan Mooney, mailcode DW-8J, Waste Management Branch, U.S. EPA Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, telephone (312) 886-3585, mooney.susan@epa.gov.

SUPPLEMENTARY INFORMATION:

A. Background

On March 22, 2004, EPA issued a final rule amending the municipal solid waste landfill criteria in 40 CFR part 258 to allow for research, development and demonstration (RD&D) permits (69 FR 13242). This rule allows for variances from specified criteria for a limited period of time, to be implemented through state-issued RD&D permits. RD&D permits are only available in states with approved MSWLF permit programs which have been modified to incorporate RD&D permit authority. While States are not required to seek approval for this new provision, those States that are interested in providing RD&D permits to owners and operators of MSWLFs must seek approval from EPA before issuing such permits. Approval procedures for new provisions of 40 CFR part 258 are outlined in 40 CFR 239.12.

Wisconsin's MSWLF permit program was approved on November 20, 1996 (61 FR 59096). On November 8, 2005, Wisconsin applied for approval of its RD&D permit provisions. On January 20, 2006, EPA published a proposed determination of adequacy (71 FR 3293) of Wisconsin's RD&D permit requirements. The notice provided a public comment period that ended on February 21, 2006. EPA received no comments on the proposed adequacy determination.

B. Decision

After a thorough review, EPA Region 5 has determined that Wisconsin's RD&D permit provisions as defined under NR 514.10 are adequate to ensure compliance with the Federal criteria as defined at 40 CFR 258.4.

Authority: This action is issued under the authority of section 2002, 4005 and 4010(c)

Exhibit 4



Monthly Air Pollution Control Program Summary Report

Concerns Received or Investigated Between January 01, 2019 and December 31, 2019

Division of Environmental Quality

Note: "Concern Info" refers to the information provided to the department by the concerned party. The information seeks to accurately reflect the nature of the allegation as it was made. Those statements of allegations do not necessarily reflect the legal

Concerns Received During Report Period

	Total
Total	835
Asbestos	94
Fugitive Particulate Matter	74
Hazardous Air Pollutant Release	8
Odor	269
Open Burning	263
Other	126
Particulates	1

Concerns Investigated During Report Period

	Total
Total	829
Concerns Received Before Report Period	9
Concerns Received During Report Period	820

Number of Notices of Violation Issued: 1

Number of Referral Notices of Violation Issued: 16

Number of Letters of Warning Issued: 64

Please note, the information provided in this report reflects all concerns investigated during the reporting period, regardless of the date on which the original concern was received.

Monthly Air Pollution Control Program Detail Report

Concerns Received or Investigated Between January 01, 2019 and December 31, 2019

Region	Investigation Date	Date Received	Suspected Source Owner/Operator	City/County	Type of Concern	Inspector Initials	NOV	RNOV
CFO	8/23/2019	8/26/2019	(b)(6) Privacy, (b)(7)(C) Envtl	Dixon Pulaski	Open Burning	SV		

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Monthly Air Pollution Control Program Summary Report

Concerns Received or Investigated Between January 01, 2020 and December 31, 2020

Division of Environmental Quality

Note: "Concern Info" refers to the information provided to the department by the concerned party. The information seeks to accurately reflect the nature of the allegation as it was made. Those statements of allegations do not necessarily reflect the legal

Concerns Received During Report Period

	Total
Total	968
Asbestos	79
Fugitive Particulate Matter	77
Hazardous Air Pollutant Release	11
Odor	397
Open Burning	299
Other	105

Concerns Investigated During Report Period

	Total
Total	961
Concerns Received Before Report Period	4
Concerns Received During Report Period	957

Number of Notices of Violation Issued: 2

Number of Referral Notices of Violation Issued: 18

Number of Letters of Warning Issued: 107

Please note, the information provided in this report reflects all concerns investigated during the reporting period, regardless of the date on which the original concern was received.

Monthly Air Pollution Control Program Detail Report

Concerns Received or Investigated Between January 01, 2020 and December 31, 2020

Region	Investigation Date	Date Received	Suspected Source Owner/Operator	City/County	Type of Concern	Inspector Initials	NOV	RNOV
KCRO	1/6/2020	12/30/2019	(b)(6) Privacy, (b)(7)(C) Enf. Privacy	Maryville Nodaway	Open Burning	DS		

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Exhibit



MISSOURI DEPARTMENT OF NATURAL RESOURCES
AIR POLLUTION CONTROL PROGRAM
APPLICATION FOR AUTHORITY TO OPERATE

FOR OFFICE USE ONLY

FILING FEE

CHECK NUMBER

CHECK RECEIVED

CHECK AMOUNT

CHECK DATE

PROJECT NUMBER

NOTE: Please read all instructions to complete forms properly.

FORM OP-A01 – Section A

A01.00 – GENERAL APPLICATION INFORMATION

All applications MUST be accompanied by a filing fee. The amount of the filing fee shall be as indicated in 10 CSR 10-6.065(5)(B)1.D or 10 CSR 10-6.065(6)(B)1.D.

1. INSTALLATION NAME		FIPS	PLANT NUMBER	YEAR SUBMITTED
INSTALLATION STREET ADDRESS			COUNTY NAME OF INSTALLATION	
CITY OF INSTALLATION STREET ADDRESS	STATE	ZIP CODE	INSTALLATION TELEPHONE NUMBER WITH AREA CODE	
INSTALLATION MAILING ADDRESS			INSTALLATION FAX NUMBER WITH AREA CODE	
CITY OF MAILING ADDRESS FOR INSTALLATION	STATE	ZIP CODE	MO SENATORIAL DISTRICT NUMBER	
INSTALLATION CONTACT PERSON			MO REPRESENTATIVE DISTRICT NUMBER	
INSTALLATION CONTACT'S TITLE		EMAIL OF CONTACT PERSON FOR INSTALLATION		
2. PARENT COMPANY NAME		MAILING ADDRESS OF PARENT COMPANY		
PARENT COMPANY CITY			STATE	ZIP CODE
PARENT COMPANY CONTACT PERSON		TELEPHONE NUMBER WITH AREA CODE OF PARENT COMPANY CONTACT		
TITLE OF CONTACT PERSON FOR PARENT COMPANY		EMAIL OF CONTACT PERSON FOR PARENT COMPANY		

3. TYPE OF APPLICATION

<input type="checkbox"/> PART 70 (MAJOR)		
<input type="checkbox"/> Initial	<input type="checkbox"/> Off-Permit Change	<input type="checkbox"/> Minor Modification
<input type="checkbox"/> Renewal	<input type="checkbox"/> Administrative Amendment	<input type="checkbox"/> Significant Modification
<input type="checkbox"/> INTERMEDIATE STATE		
<input type="checkbox"/> Initial	<input type="checkbox"/> Renewal	<input type="checkbox"/> Amendment
<input type="checkbox"/> BASIC STATE		
<input type="checkbox"/> Initial	<input type="checkbox"/> Renewal	<input type="checkbox"/> Amendment

4. APPLICANT'S CERTIFICATION STATEMENT

"I certify, based on information and belief formed after reasonable inquiry, the statements and information in this document are true, accurate and complete."

SIGNATURE OF RESPONSIBLE OFFICIAL OF COMPANY		DATE
TYPE OR PRINT NAME OF RESPONSIBLE OFFICIAL		TELEPHONE NUMBER WITH AREA CODE OF OFFICIAL
OFFICIAL TITLE OF RESPONSIBLE OFFICIAL	RESPONSIBLE OFFICIAL'S EMAIL	

FORM OP-A02 – APPLICATION FOR AUTHORITY TO OPERATE – SECTION A					
A02.00 – APPLICATION FOR AUTHORITY TO OPERATE					
INSTALLATION NAME			FIPS	PLANT NUMBER	YEAR SUBMITTED
1. LIST THE INSTALLATION'S PRINCIPAL PRODUCT(S)					
PRINCIPAL PRODUCT(S)				TWO-DIGIT SIC CODE	
2. LIST ALL OF THE INSTALLATION'S PROCESSES					
PROCESSES				TWO-DIGIT SIC CODE	
3. HAS THE INSTALLATION SUBMITTED AN EMISSION INVENTORY QUESTIONNAIRE, OR EIQ, IN THE PAST FIVE YEARS?					
YES <input type="checkbox"/> NO <input type="checkbox"/> If No, submit one copy of a completed EIQ with this application and complete the table below.					
If No, indicate the number of each EIQ form submitted with the application.					
	1.1	Process Flow Diagram		2.3	VOC Process Mass-Balance Worksheet
	1.2	Summary of Emission Points		2.4	Petroleum Loading Worksheet
	2.0	Emission Point Information		2.5	Organic Liquid Storage-Fixed Roof Tank
	2.0C	Control Device Information		2.5L	General Liquid Storage Tank Information
	2.0P	Portable Plant Information		2.6	Organic Liquid Storage-Floating Roof Tank
	2.0S	Stack Information		2.7	Haul Road Fugitive Emissions Worksheet
	2.0Z	Ozone Season Information		2.8	Storage Pile Worksheet
	2.1	Fuel Combustion Worksheet		2.9	Stack Test/Continuous Emission Monitoring Worksheet
	2.2	Incinerator Worksheet		2.T	Hazardous Air Pollutant Worksheet
4. INDICATE THE NUMBER OF EACH APPLICATION FORM, LISTED BELOW, INCLUDED WITH THIS APPLICATION					
	C01.00	Insignificant Activities Required To Be Listed		D03.20	Combustion Turbines and Internal Combustion Engines
	D01.00	Existing Plant-Wide Conditions		D03.30	Spray Booths
	D02.00	Proposed Plant-Wide Conditions		D04.00	Alternate Operating Scenario/Voluntary Conditions
	D03.00	General Emission Unit		D05.00	Compliance Determination
	D03.10	Indirect Heating Sources		F01.00	General Comments

FORM OP-B01 – APPLICABLE REQUIREMENTS CHECKLIST – SECTION B				
B01.00 – APPLICABLE REQUIREMENTS CHECKLIST				
INSTALLATION NAME		FIPS	PLANT NO.	YEAR SUBMITTED
ENTIRE STATE OF MISSOURI (NOTE: ALL INSTALLATIONS MUST SUBMIT FORM OP-B01.00)				
1. STATE ADMINISTRATIVE PERMIT REQUIREMENTS				
APPLICABILITY			TITLE	ORGANIZATION
YES	NO	REASON		
	X	J	10 CSR 10-6.010	Ambient Air Quality Standards ¹
X		J	10 CSR 10-6.020	Definitions and Common Reference Tables ¹
X		J	10 CSR 10-6.030	Sampling Methods for Air Pollution Sources ¹
	X	J	10 CSR 10-6.040	Reference Methods ¹
X		J	10 CSR 10-6.300	Conformity of General Federal Actions to State Implementation Plans ¹
X		J	10 CSR 10-6.320	Sales Tax Exemption ²
2. CORE PERMIT REQUIREMENTS				
TITLE			ORGANIZATION	
10 CSR 10-6.050			Start-Up, Shutdown, and Malfunction Conditions ¹	
10 CSR 10-6.060			Construction Permits Required ¹	
10 CSR 10-6.065			Operating Permits ¹	
10 CSR 10-6.110			Submission of Emission Data, Emission Fees and Process Information ¹	
10 CSR 10-6.130			Controlling during Episodes of High Air Pollution ¹	
10 CSR 10-6.140			Restrictions of Emissions Credit for Reduced Pollutant Concentrations from the use of Dispersion Techniques ¹	
10 CSR 10-6.150			Circumvention ¹	
10 CSR 10-6.170			Restriction of Particulate Matter to the Ambient Air Beyond the Premises of Origin ¹	
10 CSR 10-6.180			Measurement of Emissions of Air Contaminants ¹	
10 CSR 10-6.210			Confidential Information ¹	
10 CSR 10-6.230			Administrative Penalties ²	
10 CSR 10-6.250			Asbestos Abatement Projects-Certification, Accreditation, and Business Exemption Requirements ²	
10 CSR 10-6.280			Compliance Monitoring Usage ¹	
3. STATE APPLICABLE REQUIREMENTS				
APPLICABILITY			TITLE	ORGANIZATION
YES	NO	REASON		
			10 CSR 10-6.070	New Source Performance Regulations (NOTE: if yes, check specific subpart on Form OP-BO2.00) ²
			10 CSR 10-6.075	Maximum Achievable Control Technology Regulations (NOTE: if yes, check specific subpart Form OP-BO3.00) ²
			10 CSR 10-6.080	Emission Standards for Hazardous Air Pollutants (NOTE: if yes, check specific subpart Form OP-BO4.00) ²
			10 CSR 10-6.090	Restriction of Emission of Fluorides From Primary Aluminum Reduction Installations ¹
			10 CSR 10-6.100	Alternate Emission Limits For Ozone Nonattainment Areas ²
			10 CSR 10-6.120	Restriction of Emissions of Lead From Specific Lead Smelter-Refinery Installations ¹
			10 CSR 10-6.200	Hospital, Medical, Infectious Waste Incinerators ¹
			10 CSR 10-6.220	Restriction of Emission of Visible Air Contaminants ¹
			10 CSR 10-6.240	Asbestos Abatement Projects—Registration, Notification and Performance Requirements ²
			10 CSR 10-6.260	Restriction of Emission of Sulfur Compounds ¹
			10 CSR 10-6.270	Acid Rain Source Permits Required – If Applicable, Submit Acid Rain Permit Applications to the EPA ²
			10 CSR 10-6.310	Restriction of Emissions From Municipal Solid Waste Landfills ¹
			10 CSR 10-6.330	Restriction of Emissions From Batch-Type Charcoal Kilns ¹
			10 CSR 10-6.350	Emission Limitations and Emissions Trading of Oxides of Nitrogen ¹
			10 CSR 10-6.360	Control of NOx Emissions From Electric Generating Units and Non-Electric Generating Boilers ²
			10 CSR 10-6.380	Control of NOx Emissions From Portland Cement Kilns
			10 CSR 10-6.390	Control of NOx Emissions From Large Stationary Internal Combustion Engines
			10 CSR 10-6.400	Restriction of Emission of Particulate Matter From Industrial Processes ¹
			10 CSR 10-6.405	Restriction of Particulate Matter Emissions From Fuel Burning Equipment Used for Indirect Heating
			10 CSR 10-6.410	Emissions Banking and Trading

¹ Federal, state and local agency enforceable regulation.

² State and local agency enforceable regulation.

FORM OP-B02 – APPLICABLE REQUIREMENTS CHECKLIST – SECTION B				
B02.00 – APPLICABLE REQUIREMENTS CHECKLIST				
INSTALLATION NAME			FIPS	PLANT NUMBER
YEAR SUBMITTED				
<p align="center">NEW SOURCE PERFORMANCE REGULATIONS - 10 CSR 10-6.070</p> <p align="center">(NOTE: IF CHECKED YES ON FORM OP-B01.00 FOR 10 CSR 10-6.070, PLEASE IDENTIFY SPECIFIC SUBPART. IF CHECKED NO, THIS FORM DOES NOT NEED TO BE SUBMITTED. ALL STANDARDS ARE FEDERALLY ENFORCEABLE.)</p>				
APPLICABILITY			TITLE	ORGANIZATION
YES	NO	REASON	SUBPART	(40 CFR PART 60 NEW SOURCE PERFORMANCE STANDARDS)
			A	General Provisions
			B	Adoption and Submittal of State Plans for Designated Facilities
			C	Emission Guidelines and Compliance Times
			Ca	[Reserved]
			Cb	Emission Guidelines and Compliance Times for Municipal Waste Combustors that are Constructed on or before December 19, 1995
			Cc	Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills
			Cd	Emission Guidelines and Compliance Times for Sulfuric Acid Productions Units
			Ce	Emission Guidelines and Compliance Times for Hospital/Medical/Infectious Waste Incinerators
			D	Fossil-Fuel Fired Steam Generators (construction started after 8/17/71)
			Da	Electric Utility Steam Generating Units(construction started after 9/18/78)
			Db	Industrial-Commercial-Institutional Steam Generating Units
			Dc	Small Industrial-Commercial-Institutional Steam Generating Units
			E	Incinerators
			Ea	Municipal Waste Combustors Constructed Between 12/20/89 and 9/20/94
			Eb	Municipal Waste Combustors After 9/20/94
			Ec	Hospital/Medical/Infectious Waste Incinerators Constructed After 6-20-96
			F	Portland Cement Plants
			G	Nitric Acid Plants
			H	Sulfuric Acid Plants
			I	Hot Mix Asphalt Facilities
			J	Petroleum Refineries
			Ja	Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007
			K	Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978
			Ka	Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984
			Kb	Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced after July 23, 1984
			L	Secondary Lead Smelters
			M	Secondary Brass and Bronze Production Plants
			N	Primary Emissions from Basic Oxygen Process Furnaces(construction after 6/11/73
			Na	Secondary Emissions from Basic Oxygen Process Steelmaking Facilities (Construction started after1/20/83)
			O	Sewage Treatment Plants
			P	Primary Copper Smelters
			Q	Primary Zinc Smelters
			R	Primary Lead Smelters
			S	Primary Aluminum Reduction Plants
			T	Phosphate Fertilizer Industry; Wet-Process Phosphoric Acid Plants
			U	Phosphate Fertilizer Industry; Superphosphoric Acid Plants
			V	Phosphate Fertilizer Industry; Diammonium Phosphate Plants
			W	Phosphate Fertilizer Industry; Triple Superphosphate Plants
			X	Phosphate Fertilizer Industry; Granular Triple Superphosphate Storage Facilities
			Y	Coal Preparation Plants
			Z	Ferroalloy Production Facilities
			AA	Steel Plants Electric Arc Furnaces (Constructed from 11/21/74 to 8/17/83)
			AAa	Steel Plants Electric Arc Furnaces and Argon-oxygen Decarburization Vessels (Constructed after 8/7/83)
			BB	Kraft Pulp Mills
			CC	Glass Manufacturing Plants
			DD	Grain Elevators
			EE	Surface Coating of Metal Furniture

FORM OP-B02 – APPLICABLE REQUIREMENTS CHECKLIST – SECTION B
B02.00 – APPLICABLE REQUIREMENTS CHECKLIST

INSTALLATION NAME				FIPS	PLANT NUMBER	YEAR SUBMITTED
NEW SOURCE PERFORMANCE REGULATIONS - 10 CSR 10-6.070 (CONTINUED) (NOTE: IF CHECKED YES ON FORM OP-B01.00 FOR 10 CSR 10-6.070, PLEASE IDENTIFY SPECIFIC SUBPART. IF CHECKED NO, THIS FORM DOES NOT NEED TO BE SUBMITTED. ALL STANDARDS ARE FEDERALLY ENFORCEABLE.)						
APPLICABILITY			TITLE SUBPART	ORGANIZATION (40 CFR PART 60 NEW SOURCE PERFORMANCE STANDARDS)		
YES	NO	REASON				
			FF	[Reserved]		
			GG	Stationary Gas Turbines		
			HH	Lime Manufacturing Plants		
			KK	Lead-Acid Battery Manufacturing		
			LL	Metallic Mineral Processing Plants		
			MM	Automobile and Light-Duty Truck Surface Coating Operations		
			NN	Phosphate Rock Plants		
			PP	Ammonium Sulfate Manufacture		
			QQ	Graphic Arts Industry; Publication Rotogravure Printing		
			RR	Pressure Sensitive Tape and Label Surface Coating Operations		
			SS	Industrial Surface Coating Large Appliances		
			TT	Metal Coil Surface Coating		
			UU	Asphalt Processing and Asphalt Roofing Manufacture		
			VV	Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry		
			VVa	Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006		
			WW	Beverage Can Surface Coating Industry		
			XX	Bulk Gasoline Terminals		
			AAA	New Residential Wood Heaters		
			BBB	Rubber Tire Manufacturing Industry		
			CCC	[Reserved]		
			DDD	Polymer Manufacturing Industry		
			EEE	[Reserved]		
			FFF	Flexible Vinyl and Urethane Coating and Printing		
			GGG	Equipment Leaks of VOC in Petroleum Refineries		
			GGGa	Equipment Leaks of VOC in Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced After November 7, 2006		
			HHH	Synthetic Fiber Production Facilities		
			III	VOC Emissions from SOCM I Air Oxidation Unit Processes		
			JJJ	Petroleum Dry Cleaners		
			KKK	Equipment Leaks of VOC from Onshore Natural Gas Processing		
			LLL	Onshore Natural Gas Processing-SO ₂ Emissions		
			MMM	[Reserved]		
			NNN	VOC Emissions from SOCM I Distillation Operations		
			OOO	Nonmetallic Mineral Processing Plants		
			PPP	Wool Fiberglass Insulation Manufacturing Plants		
			QQQ	VOC Emissions form Petroleum Refinery Wastewater Systems		
			RRR	Synthetic Organic Chemical Manufacturing Reactor Processes		
			SSS	Magnetic Tape Coating Facilities		
			TTT	Industrial Surface Coating of Plastic Parts for Business Machines		
			UUU	Calciners and Dryers in Mineral Industries		
			VVV	Polymeric Coating of Supporting Substrates Facilities		
			WWW	Landfills		
			AAAA	Small Municipal Waste Combustion Units (started after 8/30/99, Modifications or Reconstruction after 6/6/01)		
			BBBB	Emission Guidelines and Compliance Times for Small Municipal Waste Combustion Units Constructed On or Before August 30, 1999		
			CCCC	Commercial and Industrial Solid Waste Incineration Units for Which Construction is Commenced After November 30, 1999 or for which Modification or Reconstruction is Commenced on or After June 1, 2001		
			DDDD	Emission Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units Constructed on or Before 11-30-99		
			EEEE	Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006		

FORM OP-B02 – APPLICABLE REQUIREMENTS CHECKLIST – SECTION B				
B02.00 – APPLICABLE REQUIREMENTS CHECKLIST				
INSTALLATION NAME			FIPS	PLANT NUMBER
				YEAR SUBMITTED
NEW SOURCE PERFORMANCE REGULATIONS - 10 CSR 10-6.070 (CONTINUED) (NOTE: IF CHECKED YES ON FORM OP-B01.00 FOR 10 CSR 10-6.070, PLEASE IDENTIFY SPECIFIC SUBPART. IF CHECKED NO, THIS FORM DOES NOT NEED TO BE SUBMITTED. ALL STANDARDS ARE FEDERALLY ENFORCEABLE.)				
APPLICABILITY		TITLE SUBPART	ORGANIZATION	
			(40 CFR PART 60 NEW SOURCE PERFORMANCE STANDARDS)	
		FFFF	Emission Guidelines and Compliance Times for Other Solid Waste Incineration Units that Commenced Construction On or Before December 9, 2004	
		GGGG	[Reserved]	
		HHHH	Emission Guidelines and Compliance Times for Coal-Fired Electric Steam Generating Units	
		IIII	Standards of Performance for Stationary Compression Ignition Internal Combustion Engines	
		JJJJ	Standards of Performance for Stationary Spark Ignition Internal Combustion Engines	
		KKKK	Standards of Performance for Stationary Combustion Turbines	
		LLLL	Standards of Performance for New Sewage Sludge Incineration Units	
		MMMM	Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units	

FORM OP-B03 – APPLICABLE REQUIREMENTS CHECKLIST – SECTION B						
B03.00 – APPLICABLE REQUIREMENTS CHECKLIST						
INSTALLATION NAME			FIPS	PLANT NUMBER	YEAR SUBMITTED	
MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY REGULATIONS - 10 CSR 10-6.075 (NOTE: IF CHECKED YES ON FORM OP-B01.00 FOR 10 CSR 10-6.075, PLEASE IDENTIFY THE SPECIFIC SUBPART. IF YOU CHECKED NO, THIS FORM DOES NOT NEED TO BE SUBMITTED. ALL STANDARDS ARE FEDERALLY ENFORCEABLE.)						
APPLICABILITY			TITLE SUBPART	ORGANIZATION (40 CFR PART 63 NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES)		
YES	NO	REASON				
			A	General Provisions		
			B	Requirements for Control Technology Determinations for Major Sources in Accordance with Clean Air Act Sections, Sections 112(g) and 112(j)		
			F	Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry		
			G	Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater		
			H	Organic Hazardous Air Pollutants for Equipment Leaks		
			I	Organic Hazardous Air Pollutants for Certain Process Subject to the Negotiated Regulation for Equipment Leaks		
			J	Polyvinyl Chloride Copolymers Production		
			K	[Reserved]		
			L	Coke Oven Batteries		
			M	Perchloroethylene Air Emission for Dry Cleaning		
			N	Chromium Emissions from Hard and Decorative Chromium Electroplating and from Chromium Anodizing Tanks		
			O	Ethylene Oxide Emission for Sterilization Facilities		
			P	[Reserved]		
			Q	Hazardous Air Pollutants for Industrial Process Cooling Towers		
			R	Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)		
			S	Hazardous Air Pollutants from the Pulp and Paper Industry		
			T	Halogenated Solvent Cleaning		
			U	Group I Polymers and Resins		
			V	[Reserved]		
			W	Epoxy Resins Production and Non-Nylon Polyamides Production		
			X	Hazardous Air Pollutants from Secondary Lead Smelting		
			Y	National Emission Standards for Marine Vessel Loading and Unloading Operations		
			Z	[Reserved]		
			AA	Hazardous Air Pollutants from Phosphoric Acid Manufacturing Plants		
			BB	Hazardous Air Pollutants from Phosphate Fertilizer Production Plants		
			CC	Hazardous Air Pollutants; Petroleum Refineries		
			DD	Off-Site Waste and Recovery Operations		
			EE	Magnetic Tape Manufacturing Operations		
			FF	[Reserved]		
			GG	National Emissions Standards for Aerospace Manufacturing and Rework Facilities		
			HH	Hazardous Air Pollutants from Oil and Natural Gas Production Facilities		
			II	National Emission Standards for Shipbuilding & Ship Repair (Surface Coating)		
			JJ	National Emission Standards for Wood Furniture Manufacturing Operations		
			KK	National Emission Standard for the Printing and Publishing Industry		
			LL	Hazardous Air Pollutants for Primary Aluminum Reduction Plants		
			MM	Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills		
			OO	Tanks—Level 1		
			PP	Containers		
			QQ	Surface Impoundments		
			RR	Individual Drain Systems		
			SS	Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process		
			TT	Equipment Leaks—Control Level 1		
			UU	Equipment Leaks—Control Level 2 Standards		
			VV	Oil Water Separators and Organic-Water Separators		
			WW	Storage Vessels (Tanks)—Control Level 2		
			XX	Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations		

FORM OP-B03 – APPLICABLE REQUIREMENTS CHECKLIST – SECTION B
B03.00 – APPLICABLE REQUIREMENTS CHECKLIST

INSTALLATION NAME			FIPS	PLANT NUMBER	YEAR SUBMITTED
MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY REGULATIONS - 10 CSR 10-6.075 (NOTE: IF CHECKED YES ON FORM OP-B01.00 FOR 10 CSR 10-6.075, PLEASE IDENTIFY THE SPECIFIC SUBPART. IF YOU CHECKED NO, THIS FORM DOES NOT NEED TO BE SUBMITTED. ALL STANDARDS ARE FEDERALLY ENFORCEABLE.)					
APPLICABILITY			TITLE SUBPART	ORGANIZATION (40 CFR PART 63 NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES)	
			YY	Hazardous Air Pollutants for Source Categories: Generic Maximum Available Control Technology Standards	
			ZZ	[Reserved]	
			AAA	[Reserved]	
			BBB	[Reserved]	
			CCC	Steel Pickling – HCl Process Facilities and Hydrochloric Acid Regeneration Plants	
			DDD	Hazardous Air Pollutants for Mineral Wool Production	
			EEE	Hazardous Air Pollutants from Hazardous Waste Combustors	
			FFF	[Reserved]	
			GGG	Pharmaceuticals Production	
			HHH	Hazardous Air Pollutants from Natural Gas Transmission and Storage Facilities	
			III	Hazardous Air Pollutants for Flexible Polyurethane Foam Production	
			JJJ	Hazardous Air Pollutant Emissions: Group IV Polymers and Resins	
			KKK	[Reserved]	
			LLL	Hazardous Air Pollutants from the Portland Cement Manufacturing Industry	
			MMM	Hazardous Air Pollutants for Pesticide Active Ingredient Production	
			NNN	Hazardous Air Pollutants for Wool Fiberglass Manufacturing	
			OOO	Manufacture of Amino/Phenolic Resins	
			PPP	Hazardous Air Pollutant Emissions for Polyether Polyols Production	
			QQQ	Primary Copper Smelting	
			RRR	Secondary Aluminum Production	
			SSS	[Reserved]	
			TTT	Hazardous Air Pollutants for Primary Lead Smelting	
			UUU	Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units	
			VVV	Hazardous Air Pollutants: Publicly Owned Treatment Works	
			WWW	[Reserved]	
			XXX	Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese	
			AAAA	Municipal Solid Waste Landfills	
			CCCC	Manufacturing of Nutritional Yeast	
			DDDD	Plywood and Composite Wood Products	
			EEEE	Organic Liquids Distribution (non-gasoline)	
			FFFF	Miscellaneous Organic Chemical Manufacturing	
			GGGG	Solvent Extractions for Vegetable Oil Production	
			HHHH	Wet Formed Fiberglass Mat Production	
			IIII	Surface Coating of Automobiles and Light Duty Trucks	
			JJJJ	Paper and Other Web Coating	
			KKKK	Surface Coating of Metal Cans	
			MMMM	Surface Coating of Miscellaneous Metal Parts and Products	
			NNNN	Surface Coating of Large Appliances	
			OOOO	Printing, Coating and Dyeing of Fabrics and Other Textiles	
			PPPP	Surface Coating of Plastic Parts and Products	
			QQQQ	Surface Coating of Wood Building Products	
			RRRR	Surface Coating of Metal Furniture	
			SSSS	Surface Coating of Metal Coil	
			TTTT	Leather Finishing Operations	
			UUUU	Cellulose Products Manufacturing	
			VVVV	Boat Manufacturing	
			WWWW	Reinforced Plastic Composites Production	
			XXXX	Rubber Tire Manufacturing	
			YYYY	Stationary Combustion Turbines	
			ZZZZ	Stationary Reciprocating Internal Combustion Engines (RICE)	

FORM OP-B03 – APPLICABLE REQUIREMENTS CHECKLIST – SECTION B						
B03.00 – APPLICABLE REQUIREMENTS CHECKLIST						
INSTALLATION NAME			FIPS	PLANT NUMBER	YEAR SUBMITTED	
MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY REGULATIONS - 10 CSR 10-6.075 (NOTE: IF CHECKED YES ON FORM OP-B01.00 FOR 10 CSR 10-6.075, PLEASE IDENTIFY THE SPECIFIC SUBPART. IF YOU CHECKED NO, THIS FORM DOES NOT NEED TO BE SUBMITTED. ALL STANDARDS ARE FEDERALLY ENFORCEABLE.)						
APPLICABILITY			TITLE SUBPART	ORGANIZATION (40 CFR PART 63 NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES)		
			AAAAA	Lime Manufacturing Plants		
			BBBBB	Semiconductor Manufacturing		
			CCCCC	Coke Ovens: Pushing, Quenching and Battery Stacks		
			DDDDD	Industrial, Commercial and Institutional Boilers and Process Heaters (This subpart has been vacated by court action)		
			EEEEEE	Iron and Steel Foundries		
			FFFFF	Integrated Iron and Steel Manufacturing Facilities		
			GGGGG	Site Remediation		
			HHHHH	Miscellaneous Coating Manufacturing (MON)		
			IIIII	Mercury Emissions from Mercury Cell Chlor-Alkali Plants		
			JJJJJ	Brick and Structural Clay Products Manufacturing (This subpart has been vacated by court action)		
			KKKKK	Clay Ceramics Manufacturing (This subpart has been vacated by court action)		
			LLLLL	Asphalt Processing and Asphalt Roofing Manufacture		
			MMMMM	Flexible Polyurethane Foam Fabrication Operations		
			NNNNN	Hydrochloric Acid Production		
			OOOOO	[Reserved]		
			PPPPP	Engine Test Cells/Standards		
			QQQQQ	Friction Materials Manufacturing		
			RRRRR	Taconite Iron Ore Processing		
			SSSSS	Refractory Products Manufacturing		
			TTTTT	Primary Magnesium Refining		
			UUUUU	[Reserved]		
			VVVVV	[Reserved]		
			WWWWW	Hospital Ethylene Oxide Sterilizers		
			XXXXX	[Reserved]		
			YYYYY	Area Sources: Electric Arc Furnace Steelmaking Facilities		
			ZZZZZ	Iron and Steel Foundries Area Sources		
			AAAAAA	[Reserved]		
			BBBBBB	Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities		
			CCCCCC	Source Category: Gasoline Dispensing Facilities		
			DDDDDD	Polyvinyl Chloride and Copolymers Production Area Sources		
			EEEEEE	Primary Copper Smelting Area Sources		
			FFFFFF	Secondary Copper Smelting Area Sources		
			GGGGGG	Primary Nonferrous Metals Area Sources—Zinc, Cadmium, and Beryllium		
			HHHHHH	Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources		
			IIIIII	[Reserved]		
			JJJJJJ	[Reserved]		
			KKKKKK	[Reserved]		
			LLLLLL	Acrylic and Modacrylic Fibers Production Area Sources		
			MMMMMM	Carbon Black Production Area Sources		
			NNNNNN	Chemical Manufacturing Area Sources: Chromium Compounds		
			OOOOOO	Flexible Polyurethane Foam Production and Fabrication Area Sources		
			PPPPPP	Lead Acid Battery Manufacturing Area Sources		
			QQQQQQ	Wood Preserving Area Sources		
			RRRRRR	Clay Ceramics Manufacturing Area Sources		
			SSSSSS	Glass Manufacturing Area Sources		
			TTTTTT	Secondary Nonferrous Metals Processing Area Sources		
			UUUUUU	[Reserved]		
			VVVVVV	Chemical Manufacturing Area Sources		
			WWWWWW	Area Source Standards for Plating and Polishing Operations		
			XXXXXX	Area Source Standards for Nine Metal Fabrication and Finishing Source Categories		

FORM OP-B03 – APPLICABLE REQUIREMENTS CHECKLIST – SECTION B				
B03.00 – APPLICABLE REQUIREMENTS CHECKLIST				
INSTALLATION NAME			FIPS	PLANT NUMBER
YEAR SUBMITTED				
MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY REGULATIONS - 10 CSR 10-6.075 (NOTE: IF CHECKED YES ON FORM OP-B01.00 FOR 10 CSR 10-6.075, PLEASE IDENTIFY THE SPECIFIC SUBPART. IF YOU CHECKED NO, THIS FORM DOES NOT NEED TO BE SUBMITTED. ALL STANDARDS ARE FEDERALLY ENFORCEABLE.)				
APPLICABILITY		TITLE SUBPART	ORGANIZATION (40 CFR PART 63 NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES)	
		YYYYYY	Ferroalloys Production Facilities	
		ZZZZZZ	Aluminum, Copper, and Other Nonferrous Foundries	
		AAAAAAA	Asphalt Processing and Asphalt Roofing Manufacturing	
		BBBBBBB	Chemical Preparations Industry	
		CCCCCCC	Paints and Allied Products Manufacturing	
		DDDDDDD	Area Source Standards for Prepared Feeds Manufacturing	
		EEEEEEE	Gold Mine Ore Processing and Production Area Source Category	

FORM OP-B04 – APPLICABLE REQUIREMENTS CHECKLIST – SECTION B				
B04.00 – APPLICABLE REQUIREMENTS CHECKLIST				
INSTALLATION NAME			FIPS	PLANT NO.
				YEAR SUBMITTED
EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS - 10CSR 10-6.080 (NOTE: If checked yes on Form OP-B01.00 for 10 CSR 10-6.080, please identify the specific subpart. If checked no, this form does not need to be submitted. All standards are federally enforceable.)				
APPLICABILITY			TITLE SUBPART	ORGANIZATION (40 CFR PART 61 NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS)
YES	NO	REASON		
			A	General Provisions
			B	Radon Emissions from Underground Uranium Mines
			C	Beryllium
			D	Beryllium Rocket Motor Firing
			E	Mercury
			F	Vinyl Chloride
			G	[Reserved]
			H	Emissions of Radionuclides Other Than Radon From Department of Energy Facilities
			I	Radionuclides Emissions from Federal Facilities Other Than Nuclear Regulatory Commission Licensees and Not Covered by Subpart H
			J	Equipment Leaks (Fugitive Emission Sources) of Benzene
			K	Radionuclide Emission from Elemental Phosphorous Plants
			L	Benzene Emissions from Coke By-Products Recovery Plants
			M	Asbestos
			N	Inorganic Arsenic Emissions from Glass Manufacturing Plants
			O	Inorganic Arsenic Emissions from Primary Copper Smelters
			P	Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities
			Q	Radon Emissions from Department of Energy Facilities
			R	Radon Emissions from Phosphogypsum
			S	[Reserved]
			T	Radon Emissions from the Disposal of Uranium Mill Tailings
			U	[Reserved]
			V	Equipment Leaks (Fugitive Emission Sources)
			W	Radon Emissions from Operating Mill Tailings
			X	[Reserved]
			Y	Benzene Emissions from Benzene Storage Vessels
			Z	[Reserved]
			AA	[Reserved]
			BB	Benzene Emissions from Benzene Transfer Operations
			CC	[Reserved]
			DD	[Reserved]
			EE	[Reserved]
			FF	Benzene Waste Operations

FORM OP-B05 – APPLICABLE REQUIREMENTS CHECKLIST – SECTION B

B05.00 – APPLICABLE REQUIREMENTS CHECKLIST

INSTALLATION NAME	FIPS	PLANT NUMBER	YEAR SUBMITTED
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KANSAS CITY METROPOLITAN AREA

(NOTE: PLEASE INCLUDE FORM OP-B05.00 IF LOCATED WITHIN THE FOLLOWING COUNTIES: BUCHANAN, CASS, CLAY, JACKSON, PLATTE AND RAY)

1. STATE ADMINISTRATIVE PERMIT REQUIREMENTS

APPLICABILITY			TITLE	ORGANIZATION
YES	NO	REASON		
	X	J	10 CSR 10-2.150	Time Schedule for Compliance ¹
	X	J	10 CSR 10-2.390	Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Laws ¹

2. CORE PERMIT REQUIREMENTS

TITLE	ORGANIZATION
10 CSR 10-2.070	Restriction of Emission of Odors ²
10 CSR 10-2.100	Open Burning Restrictions ¹

3. APPLICABLE REQUIREMENTS

APPLICABILITY			TITLE	ORGANIZATION
YES	NO	REASON		
			10 CSR 10-2.205	Control of Emissions From Aerospace Manufacture and Rework Facilities ¹
			10 CSR 10-2.210	Control of Emissions From Solvent Metal Cleaning ¹
			10 CSR 10-2.215	Control of Emissions From Solvent Cleanup Operations ¹
			10 CSR 10-2.220	Liquefied Cutback Asphalt Paving Restricted ¹
			10 CSR 10-2.230	Control of Emissions From Industrial Surface Coating Operations ¹
			10 CSR 10-2.260	Control of Petroleum Liquid Storage, Loading and Transfer ¹
			10 CSR 10-2.290	Control of Emissions From Rotogravure and Flexographic Printing Facilities ¹
			10 CSR 10-2.300	Control of Emissions From the Manufacturing of Paints, Varnishes, Lacquers, Enamels and Other Allied Surface Coating Products ¹
			10 CSR 10-2.310	Control of Emissions From the Application of Automotive Underbody Deadeners ¹
			10 CSR 10-2.320	Control of Emissions From Production of Pesticides and Herbicides ¹
			10 CSR 10-2.330	Control of Gasoline Reid Vapor Pressure ¹
			10 CSR 10-2.340	Control of Emissions From Lithographic Printing Facilities ¹
			10 CSR 10-2.360	Control of Emissions From Bakery Ovens ¹

¹ Federal, state and local agency enforceable regulation

² State and local agency enforceable regulation

³ Only federally enforced regulation

FORM OP-B06 – APPLICABLE REQUIREMENTS CHECKLIST – SECTION B
B06.00 – APPLICABLE REQUIREMENTS CHECKLIST

INSTALLATION NAME	FIPS	PLANT NUMBER	YEAR SUBMITTED
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KANSAS CITY HEALTH DEPARTMENT, AIR QUALITY PROGRAM
KANSAS CITY LOCAL ORDINANCES

(NOTE: PLEASE INCLUDE FORM OP-B06 IF LOCATED WITHIN THE CITY LIMITS OF KANSAS CITY, MISSOURI.)

APPLICABILITY			TITLE	ORGANIZATION
YES	NO	REASON	SECTION	
			8-2	Definitions ³
			8-3	Administration and Enforcement ⁴
			8-4	Open Burning Restriction ³
			8-5	Emission of Particulate Matter ³
			8-6	Restriction of Emission of Sulfur Compounds ⁴
			8-7	Restriction of Emission of Odors ⁴
			8-8	Emission of Volatile Organic Compounds ⁴
			8-9	Restriction of Emission of Hazardous Air Pollutants ⁴
			8-10	Review of New Sources and Modifications; Permit for Construction or Major Modification ⁴
			8-11	Permit to Operate; Notification and Record Keeping ⁴
			8-12	Air Quality Control Board; Appeals and Variances ⁴
			8-13	Confidentiality Information ⁴
			8-14	Dilution of Emission ⁴
			8-15	Start-up, Shutdown, and Malfunction Condition ⁴
			8-16	Actionable Rights; Violations Declared Public Nuisance ⁴
			8-17	Emergency Condition ⁴
			8-18	Rules for Controlling Emissions During Periods of High Air Pollution Potential ⁴
			8-19	Penalties ⁴
			8-20	Fees ⁴
			18-85	Open Burning Restrictions ⁴

³ Only federally enforced regulation

⁴ Only local agency enforced regulation

FORM OP-B07 – APPLICABLE REQUIREMENTS CHECKLIST – SECTION B										
B07.00 – APPLICABLE REQUIREMENTS CHECKLIST										
INSTALLATION NAME					FIPS		PLANT NUMBER		YEAR SUBMITTED	
OUTSTATE MISSOURI AREA (NOTE: PLEASE INCLUDE FORM OP-B07.00 ONLY IF <u>NOT</u> LOCATED AT FOLLOWING LOCATIONS: CITY OF ST. LOUIS, JEFFERSON, FRANKLIN, ST. CHARLES, CLAY, CASS, BUCHANAN, RAY, JACKSON, PLATTE, AND GREENE COUNTIES)										
1. CORE REQUIREMENTS										
TITLE				ORGANIZATION						
10 CSR 10-3.030				Open Burning Restrictions ¹						
10 CSR 10-3.090				Restrictions of Emission of Odors ²						
2. APPLICABLE REQUIREMENTS										
APPLICABILITY			TITLE		ORGANIZATION					
YES	NO	REASON								
			10 CSR 10-3.010		Auto Exhaust Emission Controls ¹					
			10 CSR 10-3.160		Restriction of Emission of Fluorides From Diammonium Phosphate Fertilizer Production ¹					
¹ Federal, state and local agency enforceable regulation ² State and local agency enforceable regulation										

FORM OP-B08 – APPLICABLE REQUIREMENTS CHECKLIST – SECTION B						
B08.00 – APPLICABLE REQUIREMENTS CHECKLIST						
INSTALLATION NAME			FIPS		PLANT NUMBER	YEAR SUBMITTED
SPRINGFIELD - GREENE COUNTY AREA (NOTE: PLEASE INCLUDE FORM OP-B08.00 IF LOCATED WITHIN GREENE COUNTY)						
1. STATE ADMINISTRATIVE PERMIT REQUIREMENTS						
APPLICABILITY			TITLE	ORGANIZATION		
YES	NO	REASON				
	X	J	10 CSR 10-4.140	Time Schedule for Compliance ¹		
2. CORE PERMIT REQUIREMENTS						
TITLE			ORGANIZATION			
10 CSR 10-4.070			Restriction of Emission of Odors ²			
10 CSR 10-4.090			Open Burning Restrictions ¹			
3. APPLICABLE REQUIREMENTS						
APPLICABILITY			TITLE	ORGANIZATION		
YES	NO	REASON				
<div>¹ Federal, state and local agency enforceable regulation.</div> <div>² State and local agency enforceable regulation.</div>						

FORM OP-B09 – APPLICABLE REQUIREMENTS CHECKLIST – SECTION B				
B09.00 – APPLICABLE REQUIREMENTS CHECKLIST				
INSTALLATION NAME			FIPS	PLANT NUMBER
CITY OF SPRINGFIELD, AIR POLLUTION CONTROL AUTHORITY LOCAL ORDINANCES (NOTE: PLEASE INCLUDE FORM OP-B09.00 IF LOCATED WITHIN THE CITY LIMITS OF SPRINGFIELD, MISSOURI.)				
APPLICABILITY			ARTICLE, DIVISION	ORGANIZATION
YES	NO	REASON	Article I	In General ⁴
			Article II	Administration and Enforcement ⁴
			Article II, Division 1	Generally ⁴
			Article II, Division 2	Approval of Planned Installations ⁴
			Article II, Division 3	Submission of Information ⁴
			Article II, Division 4	Hearings ⁴
			Article II, Division 5	Service of Orders or Notices ⁴
			Article II, Division 6	Enforcement ⁴
			Article II, Division 7	Test Methods and Tables ⁴
			Article II, Division 8	Stack Emission Test Method ⁴
			Article III	Emission Restrictions ⁴
			Article III, Division 1	Generally ⁴
			Article III, Division 2	Visible Air Contaminants from Equipment ⁴
			Article III, Division 3	Particulate Matter from Fuel Burning Equipment ⁴
			Article III, Division 4	Particulate Matter From Industrial Processes ⁴
			Article IV	Open Burning ⁴
			Article V	Incinerators ⁴
			Article VI	Ambient Air Odor Control ⁴
			Article VII	Air Pollution Nuisances ⁴
			Article VIII	Sealing ⁴
			Article IX	Breakdown of Equipment ⁴
			Article X	Circumvention ⁴
APPLICABILITY			ARTICLE, SECTION	THE BELOW CITY OF SPRINGFIELD ORDINANCE SECTIONS HAVE BEEN RESCINDED FROM THE CITY'S CODE, BUT ARE STILL IN THE SIP AND ARE FEDERALLY ENFORCEABLE
YES	NO	REASON	Article I, §2A-2	Definitions.
			Article VII, §2A-25	Stack emission test methods in general. ³
			Article IX, §2A-34	Prohibition of single chamber incinerators. ³
			Article IX, §2A-35	Maximum emission limitations from incinerators. ³
			Article IX, §2A-36	Determination of burning capacity of an incinerator. ³
			Article IX, §2A-37	Determination of particulate matter emitted from an incinerator. ³
			Article IX, §2A-38	Time limit for existing incinerators to be brought into compliance. ³
			Article XX, §2A-51	ASTM test method C-24-56, being a method of testing for "Pyrometric Cone Equivalent (PCE) of Refractory Materials." ³
			Article XX, §2A-55	ASTM method PTC-21-1941 on "Dust Separating Apparatus." ³
			Article XX, §2A-56	ASTM method PTC-27-1957 on "Determining Dust Concentration in a Gas Stream." ³
³ Only federally enforced regulation ⁴ Only local agency enforced regulation				

FORM OP-B10 – APPLICABLE REQUIREMENTS CHECKLIST – SECTION B						
B10.00 – APPLICABLE REQUIREMENTS CHECKLIST						
INSTALLATION NAME			FIPS		PLANT NUMBER	
YEAR SUBMITTED						
ST. LOUIS METROPOLITAN AREA (NOTE: PLEASE INCLUDE FORM OP-B10.00 IF LOCATED WITHIN: CITY OF ST. LOUIS AREA; AND COUNTIES: ST. CHARLES, JEFFERSON, ST. LOUIS AND FRANKLIN)						
1. STATE ADMINISTRATIVE PERMIT REQUIREMENTS						
APPLICABILITY			TITLE	ORGANIZATION		
YES	NO	REASON				
X	J		10 CSR 10-5.130	Certain Coals to be washed ¹		
X	J		10 CSR 10-5.250	Time Schedule for Compliance ¹		
X	J		10 CSR 10-5.375	Motor Vehicle Emission Inspection Waiver ²		
X	J		10 CSR 10-5.380	Motor Vehicle Emissions Inspection ¹		
X	J		10 CSR 10-5.480	Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded, or Approved Under Title 23 U.S.C. or the Federal Transit Laws ¹		
2. CORE PERMIT REQUIREMENTS						
TITLE			ORGANIZATION			
10 CSR 10-5.070			Open Burning Restrictions ¹			
10 CSR 10-5.160			Control of Odors in the Ambient Air ²			
3. APPLICABLE REQUIREMENTS						
APPLICABILITY			TITLE	ORGANIZATION		
YES	NO	REASON				
			10 CSR 10-5.040	Use of Fuel in Hand-Fired Equipment Prohibited ¹		
			10 CSR 10-5.080	Incinerators ³		
			10 CSR 10-5.120	Information on Sales of Fuels (Coal and Residual Fuel Oil) to be Provided and Maintained ¹		
			10 CSR 10-5.170	Control of Odors From Processing of Animal Matter ²		
			10 CSR 10-5.220	Control of Petroleum Liquid Storage, Loading and Transfer ¹		
			10 CSR 10-5.240	Additional Air Quality Control Measures May be Required When Sources Are Clustered in a Small Land Area ¹		
			10 CSR 10-5.290	More Restrictive Emission Limitations for Particulate Matter in the South St. Louis Area ¹		
			10 CSR 10-5.295	Control of Emissions From Aerospace Manufacture and Rework Facilities ¹		
			10 CSR 10-5.300	Control of Emissions From Solvent Metal Cleaning ¹		
			10 CSR 10-5.310	Liquefied Cutback Asphalt Paving Restricted ¹		
			10 CSR 10-5.330	Control of Emissions From Industrial Surface Coating Operations ¹		
			10 CSR 10-5.340	Control of Emissions From Rotogravure and Flexographic Printing Facilities ¹		
			10 CSR 10-5.350	Control of Emissions From Manufacture of Synthesized Pharmaceutical Products ¹		
			10 CSR 10-5.360	Control of Emissions From Polyethylene Bag Sealing Operations ¹		
			10 CSR 10-5.370	Control of Emissions From the Application of Deadeners and Adhesives ¹		
			10 CSR 10-5.375	Motor Vehicle Emission Inspection Waiver		
			10 CSR 10-5.380	Motor Vehicle Emissions Inspection		
			10 CSR 10-5.390	Control of Emissions From Manufacture of Paints, Varnishes, Lacquers, Enamels and Other Allied Surface Coating Products ¹		
			10 CSR 10-5.410	Control of Emissions From Manufacture of Polystyrene Resin ¹		
			10 CSR 10-5.420	Control of Equipment Leaks From Synthetic Organic Chemical and Polymer Manufacturing Plants ¹		
			10 CSR 10-5.430	Control of Emissions From the Surface Coating of Chrome-Plated and Resist Plastic Parts ²		
			10 CSR 10-5.440	Control of Emissions From Bakery Ovens ¹		
			10 CSR 10-5.442	Control of Emissions From Lithographic Printing Operations ¹		
			10 CSR 10-5.450	Control of VOC Emissions From Traffic Coatings ¹		
			10 CSR 10-5.451	Control of Emissions From Aluminum Foil Rolling ¹		
			10 CSR 10-5.455	Control of Emissions From Solvent Cleanup Operations ¹		
			10 CSR 10-5.490	Municipal Solid Waste Landfills ¹		
¹ Federal, state and local agency enforceable regulation ² State and local agency enforceable regulation ³ Only federally enforced regulation						

FORM OP-B10 – APPLICABLE REQUIREMENTS CHECKLIST – SECTION B
B10.00 – Applicable Requirements Checklist

INSTALLATION NAME	FIPS	PLANT NUMBER	YEAR SUBMITTED
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ST. LOUIS METROPOLITAN AREA (CONTINUED)

(NOTE: PLEASE INCLUDE FORM OP-B10.00 IF LOCATED WITHIN: CITY OF ST. LOUIS AREA, AND COUNTIES:
ST. CHARLES, JEFFERSON, ST. LOUIS, AND FRANKLIN)

3. APPLICABLE REQUIREMENTS

APPLICABILITY			TITLE	ORGANIZATION
YES	NO	REASON		
			10 CSR 10-5.500	Control of Emissions From Volatile Organic Liquid Storage ¹
			10 CSR 10-5.510	Control of Emissions of Nitrogen Oxides ¹
			10 CSR 10-5.520	Control of Volatile Organic Compound Emissions From Existing Major Sources ¹
			10 CSR 10-5.530	Control of Volatile Organic Compound Emissions From Wood Furniture Manufacturing Operations ¹
			10 CSR 10-5.540	Control of Emissions From Batch Process Operations ¹
			10 CSR 10-5.550	Control of Volatile Organic Compound Emissions From React or Processes and Distillation Operations Processes in the Synthetic Organic Chemical Manufacturing Process ¹

¹ Federal, state and local agency enforceable regulation

² State and local agency enforceable regulation

FORM OP-B11 – APPLICABLE REQUIREMENTS CHECKLIST – SECTION B				
B11.00 – APPLICABLE REQUIREMENTS CHECKLIST				
INSTALLATION NAME			FIPS	PLANT NO.
ST. LOUIS COUNTY DEPARTMENT OF HEALTH, AIR, LAND, & WATER BRANCH AIR POLLUTION CONTROL SECTION CHAPTER 612 – AIR POLLUTION CONTROL CODE ST. LOUIS COUNTY LOCAL ORDINANCES (NOTE: PLEASE INCLUDE FORM OP-B11.00 IF LOCATED WITHIN ST. LOUIS COUNTY.)				
APPLICABILITY			TITLE	ORGANIZATION
YES	NO	REASON		
			612.010	Short Title ⁴
			612.020	Scope ⁴
			612.030	Definitions ⁴
			612.040	Air Quality Standards and Air Pollution Control Regulations ⁴
			612.050	Enforcement, By Whom ⁴
			612.060	Director of Air Pollution – Duties ⁴
			612.070	Appeal Board Establishment ⁴
			612.080	Duties of Appeal Board ⁴
			612.090	Board of Consider Appeal ⁴
			612.100	Emergency Abatement of Violation-Procedure ⁴
			612.110	Permits Required ⁴
			612.120	Permits to be Visibly Affixed or Placed ⁴
			612.130	Permit to sell or rent ⁴
			612.140	Transfer ⁴
			612.150	Permit to Operate- When Required ⁴
			612.160	General Requirements for Applications for Authority to Construct and Operating Permits ⁴
			612.170	Information Required for Application for Permits ⁴
			612.180	Standards for Granting Permits ⁴
			612.190	Cancellation of Authority to Construct ⁴
			612.200	Testing Prior to granting of Operating Permits ⁴
			612.210	Action on Application for Permits ⁴
			612.220	Suspension or Revocation of Permits ⁴
			612.230	Suspension or Revocation of Operating Permits or Authority to Construct, Board Hearing, Stay of Action ⁴
			612.240	Surrender of Permits ⁴
			612.250	Fees, When Payable, Exceptions ⁴
			612.260	Permit Fees; Schedules ⁴
			612.270	Permit Fees; Refund ⁴
			612.280	Testing by order of the Board ⁴
			612.290	Right of Entry; Inspections; Samples ⁴
			612.300	Variances ⁴
			612.305	Variances Granted by Director ⁴
			612.310	Upset Conditions, Breakdown, or Scheduled Maintenance ⁴
			612.320	Service of Notice ⁴
			612.330	Reports of Division Technical Experts; Presumptive Evidence of Facts ⁴
			612.335	Permitted Hours of Incinerator Operation ⁴
			612.340	Air Pollution Nuisances Prohibited ⁴
			612.350	Disclosure of Secret Processes Prohibited ⁴
			612.360	Disclosure of Secret Processes Prohibited. Penalty for ⁴
			612.370	False or Misleading Oral Statements; Unlawful Reproduction or Alteration of Documents ⁴
			612.380	Interfering with or Obstructing Division Personnel ⁴
			612.390	Penalties for Violation ⁴
			612.400	Construction ⁴
			612.410	Incinerators ⁴
			612.420	Incinerator Stack; Emergency Vent Stack Use ⁴
			612.430	Recycling Requirements for Incineration of Waste ⁴
			612.440	Preparation and Submission of Plan for Recycling ⁴
			612.450	Use of Recycled Goods in Lieu of Recycling ⁴

⁴ Only Local Agency Enforced Regulation

FORM OP-B11 – APPLICABLE REQUIREMENTS CHECKLIST – SECTION B
B11.00 – APPLICABLE REQUIREMENTS CHECKLIST

INSTALLATION NAME	FIPS	PLANT NO.	YEAR SUBMITTED
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**ST. LOUIS COUNTY DEPARTMENT OF HEALTH, AIR, LAND, & WATER BRANCH
AIR POLLUTION CONTROL SECTION CHAPTER 612 – AIR POLLUTION CONTROL CODE**

ST. LOUIS COUNTY LOCAL ORDINANCES (CONTINUED)

(NOTE: PLEASE INCLUDE FORM OP-B11.00 IF LOCATED WITHIN ST. LOUIS COUNTY.)

APPLICABILITY			TITLE	ORGANIZATION
YES	NO	REASON		
			612.460	Use of Reusable Materials in Lieu of Recycling ⁴
			612.470	Approval of Plan for Recycling ⁴
			612.480	Modification of Existing Plan ⁴
			612.490	Appeal from Decision of Director Disapproving Plan ⁴
			612.500	Compliance with Plan ⁴
			612.510	"Recyclable" Defined ⁴
			612.520	Reduction in Quantity of Waste Prior to Incineration ⁴
			612.530	Saint Louis County Department of Health Asbestos Abatement Rules and Regulations – Registration, Notification, and Performance Requirements ⁴

⁴ Only Local Agency Enforced Regulation

FORM OP-B12 – APPLICABLE REQUIREMENTS CHECKLIST – SECTION B
B12.00 – Applicable Requirements Checklist

INSTALLATION NAME	FIPS	PLANT NO.	YEAR SUBMITTED
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CITY OF ST. LOUIS, DIVISION OF AIR POLLUTION CONTROL
ST. LOUIS CITY ORDINANCES

(NOTE: PLEASE INCLUDE FORM OP-B12.00 IF LOCATED WITHIN ST. LOUIS CITY.)

APPLICABILITY			TITLE ORDINANCE 64749 SECTION	ORGANIZATION (INCLUDES ORDINANCE 65108: AMENDED SECTIONS 16 AND 24 AND ORDINANCE 65488: AMENDED SECTION 26)
YES	NO	REASON		
			1	Adoption ⁴
			2	Name ⁴
			3	Policy Statement ⁴
			4	Statement of Delegated Authority ⁴
			5	Division Re-established ⁴
			6	Continuation of Existing Actions ⁴
			7	Definitions ³
			8	Commissioner Qualifications ⁴
			9	Commissioner Powers and Duties ⁴
			10	Board of Appeals and Variance Review ⁴
			11	Variances ⁴
			12	Commissioner to Approve Construction, Alteration and Demolition Plans ⁴
			13	Community Alert ⁴
			14	Source-Specific Emergency Procedures ⁴
			15	Air Pollution Nuisance Prohibited ⁴
			16	Restrictions of Emission of Visible Air Contaminants ⁴
			17	Open Burning Restrictions ³
			18	Incinerators ⁴
			19	Prevention of Airborne Particulate Matter ⁴
			20	Abrasive Blasting ⁴
			21	Source Registration Permits Required ⁴
			22	Inspection, Disclosure, and Submittal of Requested Information ⁴
			23	Cooperation of Local Government Agencies Required ⁴
			24	Enforcement ⁴
			25	Upset Conditions, Breakdowns, or Scheduled Maintenance ⁴
			26	Performance Based Fee Schedule ⁴
			27	Severability ⁴
			28	Penalty Clause ⁴
			29	Section Sixteen, C. Effective Date ⁴
			30	Emergency Clause ⁴

³ Only Federally Enforced Regulation

⁴ Only Local Agency Enforced Regulation

FORM OP-C01 – INSIGNIFICANT ACTIVITIES REQUIRED TO BE LISTED – SECTION C**C01.00 – INSIGNIFICANT ACTIVITIES**

NOTE: For Part 70 applications only.

INSTALLATION NAME		FIPS		PLANT NUMBER		YEAR SUBMITTED	
INSIGNIFICANT ACTIVITY		POTENTIAL ESTIMATED EMISSIONS (TONS/YR)					
EMISSION UNIT ID	PM ₁₀	SO _x	NO _x	VOC	CO	LEAD	HAPS
DESCRIPTION							
EMISSION UNIT ID	PM ₁₀	SO _x	NO _x	VOC	CO	LEAD	HAPS
DESCRIPTION							
EMISSION UNIT ID	PM ₁₀	SO _x	NO _x	VOC	CO	LEAD	HAPS
DESCRIPTION							
EMISSION UNIT ID	PM ₁₀	SO _x	NO _x	VOC	CO	LEAD	HAPS
DESCRIPTION							
EMISSION UNIT ID	PM ₁₀	SO _x	NO _x	VOC	CO	LEAD	HAPS
DESCRIPTION							
EMISSION UNIT ID	PM ₁₀	SO _x	NO _x	VOC	CO	LEAD	HAPS
DESCRIPTION							
EMISSION UNIT ID	PM ₁₀	SO _x	NO _x	VOC	CO	LEAD	HAPS
DESCRIPTION							
DUPLICATE THIS FORM AS NEEDED							

D01.00 – EXISTING PLANT-WIDE CONDITIONS

INSTALLATION NAME	FIPS	PLANT NUMBER	YEAR SUBMITTED
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[illegible][illegible]

MO 780-1519 (01-17)

FORM OP-D02 – PROPOSED PLANT-WIDE CONDITIONS – SECTION D			
D02.00 – PROPOSED PLANT-WIDE CONDITIONS			
NOTE: Include a blank form when no existing plant-wide conditions are applicable.			
INSTALLATION NAME	FIPS	PLANT NO.	YEAR SUBMITTED
Please list in the space provided below any proposed permit conditions that the installation intends to establish in this operating permit.			
PROPOSED CONDITION			
Please describe what methodologies you intend to use to demonstrate compliance with each of the proposed plant-wide condition(s) that are being established above: (e.g., testing, monitoring and record keeping)			
PROPOSED CONDITION NO.	COMPLIANCE DEMONSTRATION METHOD	DESCRIBE METHOD AND GIVE REFERENCE	
DUPLICATE THIS FORM AS NEEDED			

D03.00 – GENERAL EMISSION UNITS

1. EMISSION UNIT DESCRIPTION

2. ASSOCIATED AIR POLLUTION CONTROL EQUIPMENT

3. APPLICABLE REQUIREMENTS

DUPLICATE THIS FORM AS NEEDED

D03.10 – BOILERS, FURNACES AND OTHER INDIRECT HEATING SOURCES

1. EMISSION UNIT DESCRIPTION

2. FUEL DATA

3. ASSOCIATED AIR POLLUTION CONTROL EQUIPMENT

4. APPLICABLE REQUIREMENTS

DUPLICATE THIS FORM AS NEEDED

FORM OP-D03 – EMISSION UNIT INFORMATION – SECTION D			
D03.20 – COMBUSTION TURBINES AND INTERNAL COMBUSTION ENGINES			
INSTALLATION NAME		FIPS	PLANT NO.
			YEAR SUBMITTED
EMISSION UNIT ID		EQ REFERENCE NUMBER (ID)	SOURCE CLASSIFICATION CODE (SCC)
1. EMISSION UNIT DESCRIPTION			
INSTALLATION'S NAME FOR THIS EMISSION UNIT			
DESCRIPTION OF EMISSION UNIT:			
MANUFACTURER		MODEL NO./SERIAL NO.	
CONSTRUCTION DATE		MAXIMUM HOURLY DESIGN RATE	
		MM BTU/hr	
DESIGN RATED POWER OUTPUT	UNITS	MAXIMUM OPERATIONAL POWER OUTPUT	UNITS
2. FUEL DATA			
PRIMARY FUEL TYPE AND GRADE		MAXIMUM SULFUR CONTENT	
		%	
SECONDARY FUEL TYPE AND GRADE		MAXIMUM SULFUR CONTENT	
		%	
3. ASSOCIATED AIR POLLUTION CONTROL EQUIPMENT			
CONTROL DEVICE TYPE		POLLUTANT(S) CONTROLLED	CONTROL EFFICIENCY
			%
ADDITIONAL CONTROL DEVICE TYPE		POLLUTANT(S) CONTROLLED	CONTROL EFFICIENCY
			%
4. APPLICABLE REQUIREMENTS			
POLLUTANT	APPLICABLE REQUIREMENT AUTHORITY (e.g., CSR#, CFR#, PERMIT NO.)	EMISSION LIMIT OR STANDARD (INCLUDING UNITS)	
DUPLICATE THIS FORM AS NEEDED			

FORM OP-D03 – EMISSION UNIT INFORMATION – SECTION D			
D03.30 – SPRAY BOOTHS			
INSTALLATION NAME		FIPS	PLANT NO. YEAR SUBMITTED
EMISSION UNIT ID	EQ REFERENCE NUMBER (ID)		SOURCE CLASSIFICATION CODE (SCC)
1. EMISSION UNIT DESCRIPTION			
INSTALLATION'S NAME FOR THIS EMISSION UNIT			
DESCRIPTION OF EMISSION UNIT			
MANUFACTURER		MODEL NO./SERIAL NO.	
CONSTRUCTION DATE		MAXIMUM HOURLY DESIGN RATE GALLONS/HR	
STACK NO.	TEMPERATURE °F	FLOW RATE FT ³ /MIN	
2. COATING DATA			
COATING NAME WITH HIGHEST DENSITY		DENSITY POUNDS/GALLON	
COATING NAME WITH HIGHEST PERCENT SOLIDS BY WEIGHT		PERCENT SOLIDS BY WEIGHT %	
COATING APPLICATION METHOD		TRANSFER EFFICIENCY %	
ALTERNATE COATING APPLICATION METHOD		ALTERNATE TRANSFER EFFICIENCY %	
3. ASSOCIATED AIR POLLUTION CONTROL EQUIPMENT			
CONTROL DEVICE TYPE	POLLUTANT(S) CONTROLLED	CONTROL EFFICIENCY %	CAPTURE EFFICIENCY %
ADDITIONAL CONTROL DEVICE TYPE	POLLUTANT(S) CONTROLLED	CONTROL EFFICIENCY %	CAPTURE EFFICIENCY %
4. APPLICABLE REQUIREMENTS			
POLLUTANT	APPLICABLE REQUIREMENT AUTHORITY (e.g., CSR#, CFR#, PERMIT NO.)	EMISSION LIMIT OR STANDARD (INCLUDING UNITS)	
DUPLICATE THIS FORM AS NEEDED			

D04.00 – ALTERNATE OPERATING SCENARIO/VOLUNTARY CONDITIONS

1. ALTERNATE OPERATING SCENARIO (FLEXIBILITY)

DESCRIPTION

[illegible]

Page 29 of 37

FORM OP-D05 – COMPLIANCE DETERMINATION METHODS – SECTION D			
D05.00 – COMPLIANCE DETERMINATION			
INSTALLATION NAME		FIPS	PLANT NO.
			YEAR SUBMITTED
EMISSION UNIT ID		EIQ REFERENCE NUMBER (ID)	SOURCE CLASSIFICATION CODE (SCC)
1. APPLICABLE REQUIREMENT			
APPLICABLE REQUIREMENT		POLLUTANT(S)	
EMISSION LIMITATION OR STANDARD			
2. TESTING			
DATE		TEST METHOD	
SUMMARY OF RESULTS			
3. MONITORING			
PARAMETER MONITORED		MONITORING METHOD	
MONITORING SCHEDULE			
4. RECORD KEEPING			
PARAMETER RECORDED		RECORD KEEPING METHOD	
RECORD KEEPING SCHEDULE			
5. REPORTING			
REPORTING REQUIREMENT		REPORTING SCHEDULE	
<p align="center">DUPLICATE THIS FORM AS NEEDED</p>			

FORM OP-D06 – CORE PERMIT REQUIREMENTS – SECTION D**D06.00 – CORE PERMIT REQUIREMENTS (NOTE: THIS IS A REQUIRED FORM FOR ALL PERMIT APPLICATIONS)**

INSTALLATION NAME	FIPS	PLANT NO.	YEAR SUBMITTED
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NOTE: The installation shall comply with each of the following emission limitations. Consult the appropriate sections in the code of federal regulations and code of state regulations for the full text of the applicable requirements.

10 CSR 10-6.050, Start-up, Shutdown and Malfunction Conditions

- (a) In the event of a malfunction, which results in excess emissions that exceed one hour, the permittee shall submit to the director within two business days in writing the following information:
- (1) Name and location of installation.
 - (2) Name and telephone number of person responsible for the installation.
 - (3) Name of the person who first discovered the malfunction and precise time and date that the malfunction was discovered.
 - (4) Identity of the equipment causing the excess emissions.
 - (5) Time and duration of the period of excess emissions.
 - (6) Cause of the excess emissions.
 - (7) Air pollutants involved.
 - (8) Best estimate of the magnitude of the excess emissions expressed in the units of the applicable requirement and the operating data and calculations used in estimating the magnitude.
 - (9) Measures taken to mitigate the extent and duration of the excess emissions.
 - (10) Measures taken to remedy the situation that caused the excess emissions and the measures taken or planned to prevent the recurrence of these situations.
- (b) The permittee shall submit the paragraph (a.) information list to the director in writing at least 10 days prior to any maintenance, start-up or shutdown, which is expected to cause an excessive release of emissions that exceed one hour. If notice of the event cannot be given 10 days prior to the planned occurrence, it shall be given as soon as practicable prior to the release. If an unplanned excess release of emissions exceeding one hour occurs during maintenance, start-up or shutdown, the director shall be notified verbally as soon as practical during normal working hours and no later than the close of business of the following working day. A written notice shall follow within 10 working days.
- (c) Upon receipt of a notice of excess emissions issued by an agency holding a certificate of authority under section 643.140, RSMo, the permittee may provide information showing that the excess emissions were the consequence of a malfunction, start-up or shutdown. The information, at a minimum, should be the paragraph (a.) list and shall be submitted not later than 15 days after receipt of the notice of excess emissions. Based upon information submitted by the permittee or any other pertinent information available, the director or the commission shall make a determination whether the excess emissions constitute a malfunction, start-up or shutdown and whether the nature, extent and duration of the excess emissions warrant enforcement action under section 643.080 or 643.151, RSMo.
- (d) Nothing in this rule shall be construed to limit the authority of the director or commission to take appropriate action, under sections 643.080, 643.090 and 643.151, RSMo to enforce the provisions of the Air Conservation Law and the corresponding rule.
- (e) Compliance with this rule does not automatically absolve the permittee of liability for the excess emissions reported.

10 CSR 10-6.060, Construction Permits Required

The permittee shall not commence construction, modification or major modification of any installation subject to this rule; begin operation after that construction, modification or major modification; or begin operation of any installation which has been shut down longer than five years without first obtaining a permit from the permitting authority.

10 CSR 10-6.065, Operating Permits

The permittee shall file for renewal of this operating permit no sooner than eighteen months, nor later than six months, prior to the expiration date of this operating permit. The permittee shall retain the most current operating permit issued to this installation on-site and shall immediately make such permit available to any Missouri Department of Natural Resources personnel upon request.

10 CSR 10-6.080, Emission Standards for Hazardous Air Pollutants**40 CFR Part 61 Subpart M, National Emission Standard for Asbestos**

- (a) The permittee shall follow the procedures and requirements of 40 CFR Part 61, Subpart M for any activities occurring at this installation which would be subject to provisions for 40 CFR Part 61, Subpart M, National Emission Standard for Asbestos.
- (b) The permittee shall conduct monitoring to demonstrate compliance with registration, certification, notification and Abatement Procedures and Practices standards as specified in 40 CFR Part 61, Subpart M.

FORM OP-D06 – CORE PERMIT REQUIREMENTS – SECTION D**D06.00 – CORE PERMIT REQUIREMENTS (CONTINUED) (THIS IS A REQUIRED FORM FOR ALL PERMIT APPLICATIONS)**

INSTALLATION NAME	FIPS	PLANT NO.	YEAR SUBMITTED

The installation shall comply with each of the following emission limitations. Consult the appropriate sections in the code of federal regulations and code of state regulations for the full text of the applicable requirements.

10 CSR 10-6.100, Alternate Emission Limits

Proposals for alternate emission limitations shall be submitted on Alternate Emission Limits Permit forms provided by the department. An installation owner or operator must obtain an Alternate Emission Limits Permit in accordance with 10 CSR 10-6.100 before alternate emission limits may become effective.

10 CSR 10-6.110, Submission of Emission Data, Emission Fees and Process Information

- (a) The permittee shall complete and submit an Emission Inventory Questionnaire, or EIQ, in accordance with the requirements outlined in this rule.
- (b) The permittee shall pay an annual emission fee per ton of regulated air pollutant emitted according to the schedule in the rule. This fee is an emission fee assessed under authority of RSMo. 643.079 to satisfy the requirements of the Federal Clean Air Act, Title V.
- (c) The fees shall be due April 1 each year for emissions produced during the previous calendar year. The fees shall be payable to the Department of Natural Resources and shall be accompanied by the EIQ form or equivalent approved by the director.

10 CSR 10-6.130, Controlling Emissions During Episodes of High Air Pollution Potential

This rule specifies the conditions that establish an air pollution alert (yellow/red), watch or emergency and the associated procedures and emissions reduction objectives for dealing with each. The permittee shall submit an appropriate emergency plan if required by the director.

10 CSR 10-6.150, Circumvention

The permittee shall not cause or permit the installation or use of any device or any other means which, without resulting in reduction in the total amount of air contaminant emitted, conceals or dilutes an emission or air contaminant which violates a rule of the Missouri Air Conservation Commission.

10 CSR 10-6.170, Restriction of Particulate Matter to the Ambient Air Beyond the Premises of Origin

- (a) The permittee shall not cause or allow to occur any handling, transporting or storing of any material; construction, repair, cleaning or demolition of a building or its appurtenances; construction or use of a road, driveway or open area; or operation of a commercial or industrial installation without applying reasonable measures as may be required to prevent, or in a manner which allows or may allow, fugitive particulate matter emissions to go beyond the premises of origin in quantities that the particulate matter may be found on surfaces beyond the property line or origin. The nature or origin of the particulate matter shall be determined to a reasonable degree of certainty by a technique proven to be accurate and approved by the director.
- (b) The permittee shall not cause nor allow to occur any fugitive particulate matter emissions to remain visible in the ambient air beyond the property line of origin.
- (c) Should it be determined that noncompliance has occurred, the director may require reasonable control measures as may be necessary.

10 CSR 10-6.180, Measurement of Emissions of Air Contaminants

- (a) The director may require any person responsible for the source of emission of air contaminants to make or have made tests to determine the quantity or nature, or both, of emission of air contaminants from the source. The director may specify testing methods to be used in accordance with good professional practice. The director may observe the testing. All tests shall be performed by qualified personnel.
- (b) The director may conduct tests of emissions of air contaminants from any source. Upon request of the director, the person responsible for the source to be tested shall provide necessary ports in stacks or ducts and other safe and proper sampling and testing facilities, exclusive of instruments and sensing devices as may be necessary for proper determination of the emission of air contaminants.
- (c) The director shall be given a copy of the test results in writing and signed by the person responsible for the tests.

10 CSR 10-6.250, Asbestos Abatement Projects – Certification, Accreditation, and Business Exemption Requirements

The permittee shall conduct all asbestos abatement projects within the procedures established for certification and accreditation by 10 CSR 10-6.250. This rule requires individuals who work in asbestos abatement projects to be certified by the department's Air Pollution Control Program. This rule requires training providers who offer training for asbestos abatement occupations to be accredited by the department's Air Pollution Control Program. This rule requires persons who hold exemption status from certain requirements of this rule to allow the department to monitor training provided to employees. Each individual who works in asbestos abatement projects must first obtain certification for the appropriate occupation from the department. Each person who offers training for asbestos abatement occupations must first obtain accreditation from the department. Certain business entities that meet the requirements for state-approved exemption status must allow the department to monitor training classes provided to employees who perform asbestos abatement.

FORM OP-D06 – CORE PERMIT REQUIREMENTS – SECTION D**D06.00 – CORE PERMIT REQUIREMENTS (CONTINUED) (THIS IS A REQUIRED FORM FOR ALL PERMIT APPLICATIONS)**

INSTALLATION NAME	FIPS	PLANT NO.	YEAR SUBMITTED
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The installation shall comply with each of the following emission limitations. Consult the appropriate sections in the code of federal regulations and code of state regulations for the full text of the applicable requirements.

Yes No Regulation (Please check the appropriate response regarding applicability)

☐ ☐ **10 CSR 10-2.070** (Kansas City Metropolitan Area)

☐ ☐ **10 CSR 10-3.090** (Outstate Area)

☐ ☐ **10 CSR 10-4.070** (Greene County)

Restriction of Emission of Odors

No person may cause, permit or allow the emission of odorous matter in concentrations and frequencies or for durations that odor can be perceived when one volume of odorous air is diluted with seven volumes of odor-free air for two separate trials not less than 15 minutes apart within the period of 1 hour.

This requirement is not federally enforceable.

10 CSR 10-5.160, (Not Applicable if not in St. Louis Metropolitan Area) Restriction of Emission of Odors

No person shall emit odorous matter as to cause an objectionable odor on or adjacent to:

- (a) Residential, recreational, institutional, retail sales, hotel or educational premises.
- (b) Industrial premises when air containing odorous matter is diluted with 20 or more volumes of odor-free air; or
- (c) Premises other than those in paragraphs (1)A.1. and (2) of the rule when air containing odorous matter is diluted with four or more volumes of odor-free air.

The previously mentioned requirement shall apply only to objectionable odors. An odor will be deemed objectionable when 30 percent or more of a sample of the people exposed to it believe it to be objectionable in usual places of occupancy; the sample size to be at least 20 people or 75 percent of those exposed if fewer than 20 people are exposed.

This requirement is not federally enforceable.

10 CSR 10-6.280, Compliance Monitoring Usage

- (a) The permittee is not prohibited from using the following in addition to any specified compliance methods for the purpose of submission of compliance certificates:
 - (1) Monitoring methods outlined in 40 CFR Part 64.
 - (2) Monitoring method(s) approved for the permittee pursuant to 10 CSR 10-6.065, "Operating Permits", and incorporated into an operating permit.
 - (3) Any other monitoring methods approved by the director.
- (b) Any credible evidence may be used for the purpose of establishing whether a permittee has violated or is in violation of any such plan or other applicable requirement. Information from the use of the following methods is presumptively credible evidence of whether a violation has occurred by a permittee:
 - (1) Monitoring methods outlined in 40 CFR Part 64.
 - (2) A monitoring method approved for the permittee pursuant to 10 CSR 10-6.065, "Operating Permits", and incorporated into an operating permit.
 - (3) Compliance test methods specified in the rule cited as the authority for the emission limitations.
- (c) The following testing, monitoring or information gathering methods are presumptively credible testing, monitoring, or information gathering methods:
 - (1) Applicable monitoring or testing methods, cited in:
 - 10 CSR 10-6.030, "Sampling Methods for Air Pollution Sources".;
 - 10 CSR 10-6.040, "Reference Methods".
 - 10 CSR 10-6.070, "New Source Performance Standards".
 - 10 CSR 10-6.080, "Emission Standards for Hazardous Air Pollutants".
 - (2) Other testing, monitoring, or information gathering methods, if approved by the director, that produce information comparable to that produced by any method listed above.

FORM OP-D06 – CORE PERMIT REQUIREMENTS – SECTION D**D06.00 – CORE PERMIT REQUIREMENTS (CONTINUED) (THIS IS A REQUIRED FORM FOR ALL PERMIT APPLICATIONS)**

INSTALLATION NAME	FIPS	PLANT NO.	YEAR SUBMITTED

The installation shall comply with each of the following emission limitations. Consult the appropriate sections in the code of federal regulations and code of state regulations for the full text of the applicable requirements.

10 CSR 10-5.040, (Delete if not in St. Louis Metropolitan Area) Use of Fuel in Hand-Fired Equipment Prohibited

It shall be unlawful to operate any hand-fired fuel-burning equipment in the St. Louis, Missouri metropolitan area. This regulation shall apply to all fuel-burning equipment including, but not limited to, furnaces, heating and cooking stoves and hot water furnaces. It shall not apply to wood-burning fireplaces and wood-burning stoves in dwellings, nor to fires used for recreational purpose, nor to fires used solely for the preparation of food by barbecuing. Hand-fired fuel-burning equipment is any stove, furnace, or other fuel-burning device in which fuel is manually introduced directly into the combustion chamber.

Yes No Regulation (Please check the appropriate response regarding applicability)

- | | | |
|---|---|--|
| — | — | 10 CSR 10-2.100 (Kansas City Metropolitan Area) |
| — | — | 10 CSR 10-3.030 (Outstate Area) |
| — | — | 10 CSR 10-4.090 (Greene County) |
| — | — | 10 CSR 10-5.070 (St. Louis Metropolitan Area) |

Open Burning Restrictions

- (a) The permittee shall not conduct, cause, permit or allow a salvage operation, the disposal of trade wastes or burning of refuse by open burning.
- (b) Exception - Open burning of trade waste or vegetation may be permitted only when it can be shown that open burning is the only feasible method of disposal or an emergency exists which requires open burning.
- (c) Any person intending to engage in open burning shall file a request to do so with the director. The request shall include the following:
 - (1) The name, address and telephone number of the person submitting the application; The type of business or activity involved; A description of the proposed equipment and operating practices, the type, quantity and composition of trade wastes and expected composition and amount of air contaminants to be released to the atmosphere where known.
 - (2) The schedule of burning operations.
 - (3) The exact location where open burning will be used to dispose of the trade wastes.;
 - (4) Reasons why no method other than open burning is feasible.
 - (5) Evidence that the proposed open burning has been approved by the fire control authority which has jurisdiction.
- (d) Upon approval of the open burning permit application by the director, the person may proceed with the operation under the terms of the open burning permit. Be aware that such approval shall not exempt the installation from the provisions of any other law, ordinance or regulation.
- (e) The permittee shall maintain files with letters from the director approving the open burning operation and previous DNR inspection reports.

St. Louis City Ordinance 64749, Sec 17, (Not Applicable if not in City Limits of St. Louis City) Open Burning Restrictions

- (a) No person shall cause, suffer, allow or permit the open burning of refuse.
- (b) No person shall conduct, cause or permit the conduct of a salvage operation by open burning.
- (c) No person shall conduct, cause or permit the disposal of trade waste by open burning.
- (d) No person shall cause or permit the open burning of leaves, trees or the byproducts therefrom, grass, or other vegetation.
- (e) It shall be prima-facie evidence that the person who owns or controls property on which open burning occurs, has caused or permitted said open burning.

10 CSR 10-5.240, (Not Applicable if not in St. Louis Metropolitan Area) Additional Air Quality Control Measures May be Required When Sources Are Clustered in a Small Land Area

The Air Conservation Commission may prescribe more restrictive air quality control requirements that are more restrictive and more extensive than provided in regulations of general application for:

- (a) Areas in which there are one or more existing sources and/or proposed new sources of particulate matter in any circular area with a diameter of two miles (including sources outside metropolitan area) from which the sum of particulate emissions allowed from these sources by regulations of general application are or would be greater than 2000 tons per year or 500 pounds per hour.
- (b) Areas in which there are one or more existing sources and/or proposed new sources of sulfur dioxide in any circular area with a diameter of two miles from which the sum of sulfur dioxide emissions from these sources allowed by regulations of general application are or would be greater than 1000 tons for any consecutive three months or 1000 pounds per hour."

FORM OP-D06 – CORE PERMIT REQUIREMENTS – SECTION D**D06.00 – CORE PERMIT REQUIREMENTS (CONTINUED) (THIS IS A REQUIRED FORM FOR ALL PERMIT APPLICATIONS)**

INSTALLATION NAME	FIPS	PLANT NO.	YEAR SUBMITTED
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The installation shall comply with each of the following emission limitations. Consult the appropriate sections in the code of federal regulations and code of state regulations for the full text of the applicable requirements.

Title VI – 40 CFR Part 82, Protection of Stratospheric Ozone

- (a) The permittee shall comply with the standards for labeling of products using ozone-depleting substances pursuant to 40 CFR Part 82, Subpart E:
- (1) All containers in which a class I or class II substance is stored or transported, all products containing a class I substance, and all products directly manufactured with a class I substance must bear the required warning statement if it is being introduced into interstate commerce pursuant to §82.106.
 - (2) The placement of the required warning statement must comply with the requirements pursuant to §82.108.
 - (3) The form of the label bearing the required warning statement must comply with the requirements pursuant to §82.110.
 - (4) No person may modify, remove, or interfere with the required warning statement except as described in §82.112.
- (b) The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR part 82, Subpart F, except as provided for motor vehicle air conditioners, or MVACs, in Subpart B:
- (1) Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to §82.156.
 - (2) Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to §82.158.
 - (3) Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to §82.161.
 - (4) Persons disposing of small appliances, MVACs, and MVAC-like appliances must comply with record keeping requirements pursuant to §82.166. ("MVAC-like" appliance as defined at §82.152).
 - (5) Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair requirements pursuant to §82.156.
 - (6) Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to §82.166.
- (c) If the permittee manufactures, transforms, imports, or exports a class I or class II substance, the permittee is subject to all the requirements as specified in 40 CFR part 82, Subpart A, Production and Consumption Controls.
- (d) If the permittee performs a service on motor (fleet) vehicles when this service involves ozone-depleting substance refrigerant (or regulated substitute substance) in the motor vehicle air conditioner, the permittee is subject to all the applicable requirements as specified in 40 CFR part 82, Subpart B, Servicing of Motor Vehicle Air conditioners. The term "motor vehicle" as used in Subpart B does not include a vehicle in which final assembly of the vehicle has not been completed. The term "MVAC" as used in Subpart B does not include the air-tight sealed refrigeration system used as refrigerated cargo, or system used on passenger buses using HCFC-22 refrigerant.

The permittee shall be allowed to switch from any ozone-depleting substance to any alternative that is listed in the Significant New Alternatives Program (SNAP) promulgated pursuant to 40 CFR part 82, Subpart G, Significant New Alternatives Policy Program.

Federal Only - 40 CFR part 82

FORM OP-E01 – COMPLIANCE PLAN/STATUS – SECTION E			
E01.00 – COMPLIANCE PLAN/STATUS			
INSTALLATION NAME	FIPS	PLANT NO.	YEAR SUBMITTED
<p>Completion of this form of the operating permit forms package is mandatory for all sources. Complete this form once for each application.</p>			
1. COMPLIANCE STATUS WITH ALL APPLICABLE REQUIREMENTS EFFECTIVE AT THE TIME OF THE ISSUANCE OF THIS PERMIT.			
<p>WILL YOUR INSTALLATION BE IN COMPLIANCE WITH ALL APPLICABLE REQUIREMENTS AT THE TIME OF THE PERMIT ISSUANCE AND CONTINUE TO COMPLY WITH THESE REQUIREMENTS FOR THE DURATION OF THE PERMIT?</p>			
<p>YES <input type="checkbox"/> NO <input type="checkbox"/> (IF NO, COMPLETE A COMPLIANCE PLAN AS DESCRIBED IN THE INSTRUCTIONS ON FORM OP-F01.00)</p>			
2. COMPLIANCE STATUS WITH ALL APPLICABLE REQUIREMENTS EFFECTIVE DURING THE PERMIT TERM.			
<p>WILL YOUR INSTALLATION BE IN COMPLIANCE WITH ALL APPLICABLE REQUIREMENTS TAKING EFFECT DURING THE TERM OF THE PERMIT?</p>			
<p>YES <input type="checkbox"/> NO <input type="checkbox"/> (IF NO, COMPLETE A COMPLIANCE PLAN AS DESCRIBED IN THE INSTRUCTIONS ON FORM OP-F01.00)</p>			
3. COMPLIANCE STATUS WITH ENHANCED MONITORING AND COMPLIANCE CERTIFICATION.			
<p>IS THE INSTALLATION IDENTIFIED IN THIS APPLICATION IN COMPLIANCE WITH ALL APPLICABLE ENHANCED MONITORING AND COMPLIANCE CERTIFICATION REQUIREMENTS?</p>			
<p>YES <input type="checkbox"/> NO <input type="checkbox"/> (IF NO, COMPLETE A COMPLIANCE PLAN AS DESCRIBED IN THE INSTRUCTIONS ON FORM OP-F01.00)</p>			
4. SCHEDULE OF SUBMISSION OF COMPLIANCE CERTIFICATION DURING THE PERMIT TERM.			
FREQUENCY OF SUBMITTALS		BEGINNING DATE	
5. CERTIFICATION STATEMENT FOR PART 70 MINOR PERMIT MODIFICATIONS.			
<p>I hereby certify that this request for a permit modification meets the criteria described in 10 CSR 10-6.065(5)(e)5.b.(i) for minor permit modifications, and request that the minor permit modification procedures be followed.</p>			
SIGNATURE OF RESPONSIBLE OFFICIAL OF COMPANY		DATE	
6. CERTIFICATION OF COMPLIANCE WITH ALL APPLICABLE REQUIREMENTS.			
<p>Except for requirements identified in the above statement for which compliance is not achieved, I hereby certify that, based on information and belief formed after reasonable inquiry, the air contaminant source identified in this application is in compliance with all applicable requirements.</p>			
SIGNATURE OF RESPONSIBLE OFFICIAL OF COMPANY		DATE	
TYPE OR PRINT NAME OF RESPONSIBLE OFFICIAL		OFFICIAL TITLE OF RESPONSIBLE OFFICIAL	

FORM OP-F01 – GENERAL COMMENTS – SECTION F			
F01.00 – GENERAL COMMENTS			
INSTALLATION NAME	FIPS	PLANT NO.	YEAR SUBMITTED

1. GENERAL INFORMATION

DUPLICATE THIS FORM AS NEEDED

Exhibit

Review #	Facility ID	Fac. Name	Permit Type	Description	Start Date	Comp. Date	Permit #	Status	Location	City	St.	Zip	County	
(b)(6) Privacy, (b)(7)(C) Enf. Privacy			AOP: Intermediate Operating Permit Amendment	Wording change	10/6/2016	10/25/2016	(b)(6) Privacy	AP: Amendment Approved	(b)(6) Privacy, (b)(7)(C) Enf.	Malta Bend	MO	65339	Saline	(b)(6) Privacy, (b)(7)(C) Enf. Privacy
			AOP: Intermediate Operating Permit Amendment	Ownership Change	10/16/2015	3/16/2017		AP: Amendment Approved		Holland	MO	63853	Pemisscot	
			AOP: Intermediate Operating Permit Amendment	Responsible official change	7/18/2016	3/21/2017		AP: Amendment Approved		Union	MO	63084	Franklin	
			AOP: Intermediate Operating Permit Amendment	Change info	7/8/2016	6/9/2017		AP: Amendment Approved		Hannibal	MO	63401	Ralls	
			AOP: Intermediate Operating Permit Amendment	Responsible Official	6/14/2017	7/6/2017		AP: Amendment Approved		Peculiar	MO	64078	Cass	
			AOP: Intermediate Operating Permit Amendment		7/13/2017	8/10/2017		AP: Amendment Approved		St. Louis	MO	63101	St. Louis City	
			AOP: Intermediate Operating Permit Amendment	Responsible Official change	3/28/2017	8/30/2017		AP: Amendment Approved		Chillicothe	MO	64601	Livingston	
			AOP: Intermediate Operating Permit Amendment	Add equipment	6/22/2017	9/22/2017		AP: Amendment Approved		Troy	MO	63379	Lincoln	
			AOP: Intermediate Operating Permit Amendment	Amend existing operating permit to add newly constructed paint booth under NSR permit 012017-011	4/12/2017	10/6/2017		AP: Amendment Approved		Mansfield	MO	65704	Wright	
			AOP: Intermediate Operating Permit Amendment	Responsible Official	12/11/2017	1/31/2018		AP: Amendment Approved		Warrensburg	MO	64093	Johnson	
			AOP: Intermediate Operating Permit Amendment	Add NSR	2/20/2018	4/24/2018		AP: Amendment Approved		Oran	MO	63771	Scott	
			AOP: Intermediate Operating Permit Amendment	Responsible Official	4/2/2018	5/23/2018		AP: Amendment Approved		New Haven	MO	63068	Franklin	
			AOP: Intermediate Operating Permit Amendment	Update for NSR	1/22/2018	6/12/2018		AP: Amendment Approved		Malta Bend	MO	65339	Saline	
			AOP: Intermediate Operating Permit Amendment	Add equipment, generator	5/18/2018	7/30/2018		AP: Amendment Approved		St. Louis	MO	63103	St. Louis City	
			AOP: Intermediate Operating Permit Amendment	Sand and Gravel	6/7/2018	9/10/2018		AP: Amendment Approved		Valley Park	MO	63088	St. Louis	
			AOP: Intermediate Operating Permit Amendment	Remove Marquis	4/16/2018	10/25/2018		AP: Amendment Approved		Hayti	MO	63851	Pemisscot	
			AOP: Intermediate Operating Permit Amendment	Update conditions	11/13/2018	2/14/2019		AP: Amendment Approved		Macon	MO	63552	Macon	
			AOP: Intermediate Operating Permit Amendment	Change of responsible official	10/22/2018	2/28/2019		AP: Amendment Approved		Trenton	MO	64683	Grundy	
			AOP: Intermediate Operating Permit Amendment	Change of responsible official	10/22/2018	2/28/2019		AP: Amendment Approved		Joplin	MO	64801	Jasper	
			AOP: Intermediate Operating Permit Amendment	Responsible Official	4/2/2019	4/16/2019		AP: Amendment Approved		New Madrid	MO	63869	New Madrid	
			AOP: Intermediate Operating Permit Amendment	Responsible Official	11/29/2018	4/16/2019		AP: Amendment Approved		Clinton	MO	64735	Henry	
			AOP: Intermediate Operating Permit Amendment	Responsible Official Change	11/19/2018	4/17/2019		AP: Amendment Approved		Whiteoak	MO	63880	Dunklin	
			AOP: Intermediate Operating Permit Amendment	Responsible Official	6/13/2019	8/13/2019		AP: Amendment Approved		Jefferson City	MO	65109	Cole	
			AOP: Intermediate Operating Permit Amendment	Responsible Person	6/13/2019	8/13/2019		AP: Amendment Approved		Joplin	MO	64801	Jasper	
			AOP: Intermediate Operating Permit Amendment	Responsible Person	6/13/2019	8/13/2019		AP: Amendment Approved		Trenton	MO	64683	Grundy	
			AOP: Intermediate Operating Permit Amendment	Facility Manager Change	5/17/2019	8/13/2019		AP: Amendment Approved		Boonville	MO	65233	Cooper	
			AOP: Intermediate Operating Permit Amendment	Terminate OP	1/28/2019	8/29/2019		AP: Amendment Approved		Olivette	MO	63132	St. Louis	
			AOP: Intermediate Operating Permit Amendment	Move Emission Point	10/11/2018	9/4/2019		AP: Amendment Approved		Warrensburg	MO	64093	Johnson	
			AOP: Intermediate Operating Permit Amendment	Responsible official	5/3/2019	9/5/2019		AP: Amendment Approved		Joplin	MO	64804	Newton	
			AOP: Intermediate Operating Permit Amendment	Responsible Official	3/29/2019	10/3/2019		AP: Amendment Approved		St. Louis	MO	63164	St. Louis City	
			AOP: Intermediate Operating Permit Amendment	Emission factors and BMPs	8/22/2019	10/22/2019		AP: Amendment Approved		Portageville	MO	63873	New Madrid	
			AOP: Intermediate Operating Permit Amendment	Emission factors and BMPs	8/22/2019	10/22/2019		AP: Amendment Approved		Parma	MO	63841	New Madrid	
			AOP: Intermediate Operating Permit Amendment	Emission factors and BMPs	8/22/2019	10/23/2019		AP: Amendment Approved		Gideon	MO	63848	New Madrid	
			AOP: Intermediate Operating Permit Amendment	Compliance emission factors	8/14/2019	10/23/2019		AP: Amendment Approved		Essex	MO	63846	Stoddard	
			AOP: Intermediate Operating Permit Amendment	Compliance Emission factors	8/14/2019	10/23/2019		AP: Amendment Approved		Senath	MO	63878	Dunklin	
			AOP: Intermediate Operating Permit Amendment	Emission factors and BMPs	8/14/2019	10/23/2019		AP: Amendment Approved		Whiteoak	MO	63880	Dunklin	
			AOP: Intermediate Operating Permit Amendment	Add new NSR	4/24/2019	11/1/2019		AP: Amendment Approved		Lebanon	MO	65536	Laclede	
			AOP: Intermediate Operating Permit Amendment	Emission Factors	8/19/2019	11/6/2019		AP: Amendment Approved		Crowder	MO	63784	Scott	
			AOP: Intermediate Operating Permit Amendment	Emission Factors	8/19/2019	12/12/2019		AP: Amendment Approved		New Madrid	MO	63869	New Madrid	
			AOP: Intermediate Operating Permit Amendment	Emission factors and BMPs	8/14/2019	12/12/2019		AP: Amendment Approved		Senath	MO	63878	Dunklin	
			AOP: Intermediate Operating Permit Amendment	Correct table numbering	2/4/2020	2/7/2020		AP: Amendment Approved		O'Fallon	MO	63366	St. Charles	
			AOP: Intermediate Operating Permit Amendment	Remove Generator	12/5/2018	4/24/2020		AP: Amendment Approved		St. Louis	MO	63141	St. Louis	
			AOP: Intermediate Operating Permit Amendment	Name/Ownership change	7/31/2020	8/4/2020		AP: Amendment Approved		Chesterfield	MO	63917	St. Louis	
			AOP: Intermediate Operating Permit Amendment	Ownership Change	4/30/2020	9/10/2020		AP: Amendment Approved		Jefferson City	MO	65109	Cole	
			AOP: Intermediate Operating Permit Amendment	Update campus references	9/25/2020	10/15/2020		AP: Amendment Approved		St. Louis	MO	63108	St. Louis City	
			AOP: Intermediate Operating Permit Amendment	Responsible Official	2/2/2021	2/25/2021		AP: Amendment Approved		Pacific	MO	63069	Franklin	
			AOP: Intermediate Operating Permit Amendment	Ownership change	12/21/2020	3/4/2021		AP: Amendment Approved		St. Louis	MO	63111	St. Louis City	
			AOP: Intermediate Operating Permit Amendment	Responsible Official	6/25/2020	3/4/2021		AP: Amendment Approved		Warrensburg	MO	64093	Johnson	
			AOP: Intermediate Operating Permit Amendment	Responsible official change	1/13/2020	4/14/2021		AP: Amendment Approved		St. Louis	MO	63147	St. Louis City	
			AOP: Intermediate Operating Permit Amendment	Responsible Official change	6/9/2021	6/15/2021		AP: Amendment Approved		St. Louis	MO	63044	St. Louis	
			AOP: Intermediate Operating Permit Amendment	Responsible Official Change	6/9/2021	6/15/2021		AP: Amendment Approved		St. Louis	MO	63110	St. Louis City	
			AOP: Intermediate Operating Permit Amendment	Responsible Official	6/9/2021	6/15/2021		AP: Amendment Approved		Richmond Heights	MO	63117	St. Louis	
			AOP: Intermediate Operating Permit Amendment	Responsible official	7/9/2021	7/14/2021		AP: Amendment Approved		St. Louis	MO	63147	St. Louis City	

Exhibit

FIPS	PLANT	PLANT NAME	ADDRESS	CITY	STATE	ZIP CODE	SIC CODE	PERMIT TYPE	Diesel fuel No. 2 (Mgal)	Diesel fuels (Mgal)	Distillate fuel oils, light (kerosene)(Mgal)	Ethyl alcohol (Mgal)	Fuel (generic)(Mgal)	Fuel oil, No. 2 (Mgal)	Fuel oil, No. 6 (Mgal)	Gasoline (Mgal)	Kerosene (Mgal)	TOTAL STORAGE VOLUME (GALLONS)
(b)(6) Privacy, (b)(7)(C) Enf. Privacy				COLUMBIA	MO	6520	(b)(6) Privacy, (b)(7)(C) Enf. Privacy	NT										
				CAPIE GIRARDEAU	MO	6370		CP-NGP										
				CARROLLTON	MO	6463		P20										
				LEEKESBORO CITY	MO	6510		P20										
				BROOKLINE	MO	6561		P20										
				EAGLEVILLE	MO	6444		CP-NGP										
				SUGAR CREEK	MO	6405		P20										
				ASPER	MO	6475		CP-NGP										
				MOUNT VERNON	MO	6571		P20										
				MILES	MO	6570		CP-NGP										
				CANTON	MO	6343		NT										
				BU-PETERS	MO	6327		CP-NGP										
				SCOTT CITY	MO	6378		NT										
				OSGOOD	MO	6464		CP-NGP										
				ST. LOUIS	MO	6311		NT										
				ST. LOUIS	MO	6314		CP-NGP										
				ST. LOUIS	MO	6311		NT										

(b)(6) Privacy, (b)(7)(C) Enf. Privacy

Exhibit



rule.

(E) Compliance with this rule does not automatically absolve the owner or operator of such facility of liability for the excess emissions reported.

(4) Reporting and Record Keeping.

(A) The information specified in paragraph (3)(C)2. of this rule shall be submitted to the director not later than fifteen (15) days after receipt of the notice of excess emissions. Information regarding the type and amount of emissions and time of the episode shall be recorded and kept on file. This data shall be included in emissions reported on any required Emissions Inventory Questionnaire.

(B) The information submitted according to subsections (3)(A) and (3)(B) of this rule and paragraph (3)(C)2. of this rule shall be kept on file at the installation for a period of five (5) years. This data shall be included in emissions reported on any required Emissions Inventory Questionnaire. The information shall be available to the director upon request.

(5) Test Methods (Not Applicable)

AUTHORITY: section 643.050, RSMo 2016.* Original rule filed March 15, 1979, effective Nov. 11, 1979. Amended: Filed April 2, 1987, effective Aug. 27, 1987. Amended: Filed June 15, 2001, effective Feb. 28, 2002. Amended: Filed Nov. 13, 2009, effective July 30, 2010. Amended: Filed May 1, 2019, effective Jan. 30, 2020.

*Original authority: 643.050, RSMo 1965, amended 1972, 1992, 1993, 1995, 2011.

10 CSR 10-6.060 Construction Permits Required

PURPOSE: This rule defines sources required to obtain permits to construct. It establishes: requirements to be met prior to construction or modification of any sources; a procedure for a source to voluntarily obtain a permit for implementing practically enforceable conditions; a procedure for the permitting authority to issue general permits; permit fees; and public notice requirements for certain permits.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed

here.

(1) Applicability.

(A) Construction Permit Required. The owner or operator of a new or existing installation throughout Missouri that meets any of the following provisions must obtain a permit:

1. Before construction of a new installation that results in a potential to emit greater than *de minimis* threshold levels;

2. Before new construction and/or modification that results in an emission increase greater than the *de minimis* threshold levels at an existing installation with potential to emit less than *de minimis* threshold levels;

3. Before new construction and/or modification that results in an emission increase at an existing installation whose potential to emit exceeds *de minimis* threshold levels or is less than *de minimis* threshold levels due to taking practically enforceable requirements in a permit;

4. The new construction and/or modification is a major modification as defined—

A. Under 40 CFR 52.21(b)(2), which is incorporated by reference in subsection (8)(A) of this rule, for pollutants in attainment and unclassified areas; or

B. Under 40 CFR 51.165(a)(1)(v), which is incorporated by reference in paragraph (7)(A)2. of this rule, for pollutants in nonattainment areas; or

5. Before construction of an incinerator.

(B) Voluntary Permit. An installation in Missouri may obtain a permit under this rule in order to acquire voluntary, enforceable limits.

(C) Exempt Construction or Modification. No construction permit is necessary for construction or modification of installations when—

1. The entire construction or modification is exempt or excluded by 10 CSR 10-6.061;

2. Construction or modification is permitted under 10 CSR 10-6.062; or

3. Original construction or modification occurred prior to May 13, 1982. Any construction or modification that occurs after this date is not exempt.

(D) Construction and Operation Prohibited Prior to Permitting. Owners or operators shall obtain a permit from the permitting authority, except as allowed under subsection (1)(E) of this rule, prior to any of the following activities:

1. The beginning of actual construction or modification of any installation subject to this rule;

2. Operation after construction or modification; or

3. Operation of any emission unit that has been permanently shutdown.

(E) Construction Allowed Prior to Permitting. A Pre-Construction Waiver may be

obtained with authorization of the director by sources not subject to review under section (7), (8), or (9) of this rule, or sources seeking federally enforceable permit restrictions to avoid review under section (7), (8), or (9) of this rule.

1. A complete request for authorization includes:

A. A signed waiver of any state liability;

B. A complete list of the activities to be undertaken; and

C. The applicant's full acceptance and knowledge of all liability associated with the possibility of denial of the permit application.

2. A request will not be granted unless an application for permit approval under this rule has been filed or if the start of actual construction has occurred.

(2) Definitions.

(A) Definitions of general terms used in this rule, other than those defined elsewhere in this section, may be found in 10 CSR 10-6.020.

(B) Definitions of certain terms used in this rule may be found in paragraph (b) of 40 CFR 52.21, which is incorporated by reference in subsection (8)(A) of this rule, except that any provisions of 40 CFR 52.21(b) that are stayed shall not apply.

(C) Alternate site analysis—An analysis of alternative sites, sizes, production processes, and environmental control techniques for the proposed source that demonstrates that benefits of the proposed installation significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification.

(D) Ambient air increments—The limited increases of pollutant concentrations in ambient air over the baseline concentration.

(E) Emission(s)—The release or discharge, whether directly or indirectly, into the atmosphere of one (1) or more air contaminants listed in subsection (3)(A) of 10 CSR 10-6.020.

(F) Emission increase—The sum of post-project potential to emit minus the pre-project potential to emit for each new and modified emission unit. Decreases and netting are not to be included in the emission increase calculations.

(G) Good engineering practice (GEP) stack height—The greater of—

1. Sixty-five meters (65 m) measured from the ground-level elevation at the base of the stack;

2. For stacks on which construction commenced on or before January 12, 1979, and for which the owner or operator had obtained all applicable permits or approvals required under 40 CFR 51 and 52,

$$H_g = 2.5H$$

provided the owner or operator produces evidence that this equation was actually relied on in establishing an emission limitation; and for all other stacks,

$$H_g = H + 1.5L$$

Where:

H_g = GEP stack height, measured from the ground-level elevation at the base of the stack;

H = height of nearby structure(s) measured from the ground-level elevation at the base of the stack; and

L = lesser dimension, height, or projected width of the nearby structure(s). Provided that the director may require the use of a field study or fluid model to verify GEP stack height for the installation; or

3. The height demonstrated by a fluid model or field study approved by the director, which ensures that the emissions from a stack do not result in excessive concentrations of any air pollutant as a result of atmospheric downwash, wakes, or eddy effects created by the source itself, nearby structures, or nearby terrain features.

(H) Incinerator—Any article, machine, equipment, contrivance, structure, or part of a structure used to burn refuse or to process refuse material by burning other than by open burning.

(I) Modification—Any physical change to, or change in method of operation of, a source operation or attendant air pollution control equipment which would cause an increase in potential emissions of any air pollutant emitted by the source operation.

(J) Nonattainment pollutant—Each and every pollutant for which the location of the source is in an area designated to be in nonattainment of a National Ambient Air Quality Standard (NAAQS) under section 107(d)(1)(A)(i) of the Clean Air Act (CAA). Any constituent or precursor of a nonattainment pollutant shall be a nonattainment pollutant, provided that the constituent or precursor pollutant may only be regulated under this rule as part of regulation of the corresponding NAAQS pollutant. Both volatile organic compounds (VOC) and nitrogen oxides (NO_x) shall be nonattainment pollutants for a source located in an area designated nonattainment for ozone.

(K) Offset—A decrease in actual emissions from a source operation or installation that is greater than the amount of emissions anticipated from a modification or construction of a source operation or installation. The decrease must have substantially similar environmental and health effects on the impacted area. Any ratio of decrease to increase greater than one to one (1:1) constitutes offset. The exceptions to this are ozone nonattainment areas where VOC and NO_x emissions will require an offset ratio of actual

emission reduction to new emissions according to the following schedule:

1. marginal area = 1.1:1;
2. moderate area = 1.15:1;
3. serious area = 1.2:1;
4. severe area = 1.3:1; and
5. extreme area = 1.5:1.

(L) Permanently shutdown—The permanent cessation of operation of any air pollution control equipment or process equipment, not to be placed back into service or have a start-up.

(M) Pilot trials—A study, project, or experiment conducted in order to evaluate feasibility, time, cost, adverse events, and improve upon the design prior to performance on a larger scale.

(N) Pollutant—An air contaminant listed in subsection (3)(A) of 10 CSR 10-6.020.

(O) Portable equipment—Any equipment that is designed and maintained to be movable, primarily for use in noncontinuous operations. Portable equipment includes rock crushers, asphaltic concrete plants, and concrete batching plants.

(P) Portable equipment installation—An installation that consists solely of portable equipment and associated haul roads and storage piles. To be considered a portable equipment installation the following must apply:

1. The potential to emit of this installation is of less than two hundred fifty (250) tons per year of particulate matter (PM) and less than one hundred (100) tons per year of any other air pollutant, including $\text{PM}_{2.5}$ and PM_{10} , taking into account any federally enforceable conditions; and

2. Any equipment cannot operate at a location for more than twenty-four (24) consecutive months without an intervening relocation.

(Q) Refuse—Garbage, rubbish, trade wastes, leaves, salvageable material, agricultural wastes, or other wastes.

(R) Regulated air pollutant—All air pollutants or precursors for which any standard has been promulgated.

(S) Risk assessment levels (RALs)—Ambient concentrations of air toxics that are not expected to produce adverse cancer and non-cancer health effects during a defined period of exposure. The RALs are based upon animal toxicity studies, human clinical studies, and human epidemiology studies that account for exposure to sensitive populations such as the elderly, pregnant women, children, and those having respiratory illness such as asthma.

(T) Screening model action levels (SMALs)—The emission threshold of an individual hazardous air pollutant (HAP) or HAP group that triggers the need for an air quality analysis of the individual HAP.

(U) Shutdown—The cessation of operation of any air pollution control equipment or pro-

cess equipment.

(V) Shutdown, permanent—See permanently shutdown.

(W) Start-up—The setting into operation of any air pollution control equipment or process equipment, except the routine phasing in of process equipment.

(X) Temporary installation—An installation that operates or emits pollutants less than two (2) years.

(3) Application and Permit Procedures.

(A) Preapplication Meeting.

1. Prior to submittal of a permit application, the applicant may request a preapplication meeting with the permitting authority to discuss the nature of and apparent requirements for the forthcoming permit application.

2. A preapplication meeting is required thirty (30) days prior to application submittal of a section (7), (8), or (9) permit application.

(B) Permitting Authority's Responsibilities Regarding the Permit Application.

1. The permitting authority provides a standard application package for permit applicants.

2. The permitting authority requires the following information in the standard application package and supplemental material:

A. The applicant's company name and address (or plant name and address if different from the company name), the owner's name and state registered agent, and the telephone number and name of the plant site manager or other contact person;

B. Site information including locational data, equipment layout, and plant layout;

C. A description of the installation's processes and products and the four (4)-digit Standard Industrial Classification Code; and

D. The following emissions-related information:

(I) A description of the new construction or modification occurring at the installation;

(II) Identification and description of all emissions units with emissions that are being added or modified as a result of the construction or modification described in part (3)(B)2.D.(I) of this rule;

(III) A description of all emissions of regulated air pollutants emitted from each emission unit identified in part (3)(B)2.D.(II) of this rule;

(IV) The potential to emit of each pollutant emitted per emission unit including, but not limited to, maximum hourly design rates, emission factors, or other information that enables the permitting authority to verify such rates, and in such terms as necessary to establish compliance with applicable regulations;

(V) Information necessary to determine or regulate emissions including, but not limited to, fuels, fuel use, raw materials,



production rates, and operating schedules;

(VI) Identification and description of air pollution capture and control equipment with capture and control efficiencies and the pollutants that are being controlled for each respective capture and control device;

(VII) Identification and description of compliance monitoring devices or activities; and

(VIII) Limitations on installation operations and work practice standards affecting emissions for all regulated air pollutants.

(C) Applicant Responsibilities Regarding the Permit Application.

1. The applicant shall submit the information specified in the application package for each emissions unit being constructed or modified.

2. Certification by a responsible official. Any application form or report submitted pursuant to this rule shall contain certification by a responsible official of truth, accuracy, and completeness. This certification, and any other certification, shall be signed by a responsible official and contain the following language: I certify, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

3. The applicant shall supply the following supplemental information in addition to the application:

A. Additional information, plans, specifications, drawings, evidence, documentation, and monitoring data that the permitting authority may require to verify applicability and complete review under this rule;

B. Other information required by any applicable requirement. Specific information may include, but is not limited to, items such as testing reports, vendor information, material safety data sheets, or information related to stack height limitations developed pursuant to section 123 of the CAA;

C. Calculations on which the information in parts (3)(B)2.D.(I) through (3)(B)2.D.(VIII) of this rule are based;

D. Related information in sufficient detail necessary to establish compliance with the applicable standard reference test method, if any; and

E. Ambient air quality modeling data, in accordance with section (5) or (8) of this rule, for all pollutants requiring modeling to determine the air quality impact of the construction or modification of the installation.

4. Confidential information. An applicant may submit information to the permitting authority under a claim of confidentiality pursuant to 10 CSR 10-6.210. The confidentiality request needs to be submitted with the initial application to ensure confidentiality.

5. Duty to supplement or correct application. Any applicant that fails to submit any

relevant facts or submits incorrect information in a permit application, upon becoming aware of the failure or incorrect submittal, shall promptly submit supplementary facts or corrected information. In addition, an applicant shall provide additional information, as necessary, to address any requirements that become applicable to the installation after the date an application is deemed complete, but prior to the issuance of the construction permit.

6. Filing fees in accordance with paragraph (3)(H)9. of this rule.

(D) Completeness Review of Application. Review of applications for completeness includes the following:

1. The permitting authority will review each application for completeness and inform the applicant within thirty (30) days if the application is not complete. In order to be complete, an application must include a completed application package and the information required in subsection (3)(C) of this rule.

2. If the permitting authority does not notify the applicant that its application is not complete within thirty (30) days of receipt of the application, the application shall be deemed complete. However, nothing in this subsection prevents the permitting authority from requesting additional information that is necessary to process the application.

3. The permitting authority maintains a checklist to be used for the completeness determination. A notice of incompleteness identifying the application's deficiencies will be provided to the applicant.

(E) Conditions that the permitting authority can require in permit. The permitting authority may impose conditions in a permit necessary to accomplish the purposes of this rule, any applicable requirements, or the Air Conservation Law, Chapter 643, RSMo. Less stringent conditions shall not take the place of any applicable requirements. Such conditions may include:

1. Operating or work practice constraints to limit the maximum level of emissions;

2. Emission control device efficiency specifications to limit the maximum level of emissions;

3. Maximum level of emissions;

4. Emission testing after commencing operations, to be conducted by the owner or operator, as necessary to demonstrate compliance with applicable requirements or other permit conditions;

5. Instrumentation to monitor and record emission data;

6. Other sampling and testing facilities;

7. Data reporting;

8. Post-construction ambient monitoring and reporting;

9. Sampling ports of a suitable size, number, and location; and

10. Safe access to each port.

(F) Following review of an application, the

permitting authority will issue a draft permit for public comment in accordance with the procedures for public participation as specified in subsection (12)(A), Appendix (A) of this rule for all applications for sources that—

1. Emit five (5) or more tons of lead per year;

2. Contain GEP stack height demonstrations; or

3. Are subject to section (7), (8), or (9) of this rule.

(G) Final permit determination. Final determination will be made on the following schedules:

1. The permitting authority will make a final permit determination for permit applications processed under section (7), (8), or (9) of this rule no later than one hundred eighty-four (184) calendar days after receipt of a complete application, taking into account any additional time necessary for missing information;

2. The permitting authority will make a final permit determination for permit applications processed under section (4), (5), or (10) of this rule no later than ninety (90) calendar days after receipt of a complete application, taking into account any additional time necessary for missing information;

3. If, while processing an application that has been determined or deemed to be complete, the permitting authority determines that additional information is necessary to evaluate or to take final action on that application, the permitting authority may request this additional information in writing. In requesting this information, the permitting authority will establish a deadline for a response. The review period will be extended by the amount of time necessary to collect the required information; and

4. Timeframes stated in this paragraph do not apply to permit amendments. Amendments to permits will follow the schedules outlined in section (11) of this rule.

(H) Fees.

1. All installations or source operations requiring permits under this rule must submit the application with a permit filing fee to the permitting authority. Failure to submit the permit filing fee constitutes an incomplete permit application according to subsection (3)(D) of this rule.

2. Upon receipt of an application for a permit or a permit amendment, a permit processing fee begins to accrue per hour of actual staff time. In lieu of the per-hour processing fee for relocation of portable plants subject to paragraph (4)(D)1. of this rule, a flat fee as specified in paragraph (3)(H)9. of this rule must be submitted by the applicant.

3. The permitting authority, upon request, will notify the applicant in writing if the permit processing fee approaches two thousand dollars (\$2,000) and in two-thousand-dollar (\$2,000) increments after that.

4. After making a final determination whether the permit should be approved, approved with conditions, or denied, the permitting authority will notify the applicant in writing of the final determination and the total permit processing fees due. The amount of the fee will be determined in accordance with paragraph (3)(H)9. of this rule.

5. The applicant shall submit fees for the processing of the permit application within ninety (90) calendar days of the final review determination, whether the permit is approved, denied, withdrawn, or not needed. After the ninety (90) calendar days, the unpaid processing fees will have interest imposed upon the unpaid amount at the rate of ten percent (10%) per annum from the date of billing until payment is made. Failure to submit the processing fees after the ninety (90) calendar days will result in the permit being denied (revoked for portable installation location amendments) and the rejection of any future permit applications by the same applicant until the processing fee plus interest has been paid.

6. Partially processed permits that are withdrawn after submittal are charged at the same processing fee rate in paragraph (3)(H)9. of this rule for the time spent processing the application.

7. The applicant shall pay for any publication of notice required and pay for the original and one (1) copy of the transcript, to be filed with the permitting authority, for any hearing required under this rule. No permit is issued until all publication and transcript costs have been paid.

8. The commission may reduce the permit processing fee or exempt any person from payment of the fee upon an appeal filed with the commission stating and documenting that the fee will create an unreasonable economic hardship upon the person.

9. Permit fees.

Permit Application Type	Rule Section Reference	Filing Fee	Processing Fee
Portable Source Relocation Request	(4)	\$300	----
Minor	(5)	\$250	\$75/hr
General Permit	(6)	\$700	----
New Source Review (NSR)	(7)	\$5,000	\$75/hr
Prevention of Significant Deterioration (PSD)	(8)	\$5,000	\$75/hr
HAP	(9)	\$5,000	\$75/hr
Initial Plantwide Applicability Limit (PAL)	(7) or (8)	\$5,000	\$75/hr
Renewal PAL	(7) or (8)	\$2,500	\$75/hr
Temporary/Pilot	(10)	\$250	\$75/hr
Permit Amendment	(11)	----	\$75/hr

10. No later than three (3) business days after receipt of the whole amount of the fee due, the permitting authority will send the

applicant a notice of payment received. The permit will also be issued at this time, provided the final determination was for approval and the permit processing fee was timely received.

(I) Final Permit Issuance: Any installation subject to this rule will be issued a permit and be in effect if all of the following conditions are met:

1. Information is submitted to the permitting authority which is sufficient for the permitting authority to verify the annual emission rate and to verify that no applicable emission control rules will be violated;

2. No applicable requirements of the Air Conservation Law are violated;

3. The installation does not cause an adverse impact on visibility in any Class I area;

4. The installation will not interfere with the attainment or maintenance of NAAQS and the air quality standards established in 10 CSR 10-6.010;

5. The installation will not cause or contribute to ambient air concentrations in excess of any applicable maximum allowable increase listed in paragraph (5)(F)5. Table 2 of this rule, or be over the baseline concentration in any attainment or unclassified area;

6. The installation will not exceed the RALs required for all pollutants that exceed the SMALs; and

7. All permit fees are paid.

(J) After a permit has been granted—

1. The owner or operator subject to the provisions of this rule must furnish the permitting authority written notification of the actual date of initial start-up of a source operation or installation within fifteen (15) days of that date.

2. A permit will become invalid if:

A. Construction or modification work is not commenced within two (2) years for permits issued under section (4), (5), (6) or (10) from the date of issuance;

B. Construction or modification work is not commenced within eighteen (18) months from the date of issuance for permits issued under section (7), (8), or (9); or

C. Work is suspended for more than eighteen (18) months for any type of permit, and if—

(I) The delay was reasonably foreseeable by the owner or operator at the time the permit was issued;

(II) The delay was not due to an act of God or other conditions beyond the control of the owner or operator; or

(III) Failure to consider the permit invalid would be unfair to other potential applicants;

D. Exception: An installation may request an extension request for starting construction related to a permit. The extension request must be submitted to the permitting authority at a minimum of thirty (30) days

prior the date when the permit will become invalid. The request shall include the reason for the extension request and a verification statement that the installation is able to meet all of the requirements included in the permit. The permitting authority reserves the right to deny an extension based on the promulgation of new rules that would affect the permit review or changes in air quality that have occurred since the permit issuance.

3. Any owner or operator who constructs, modifies, or operates an installation not in accordance with the application submitted and the permit issued, including any terms and conditions made a part of the permit is in violation of this rule.

4. Approval to construct does not relieve any owner or operator of the responsibility to comply fully with applicable provisions of the Air Conservation Law and rules or any other requirements under local, state, or federal law.

(4) Portable Equipment Permits, Amendments, and Relocations.

(A) Applicability. This section of the rule applies to construction or modification occurring at a portable equipment installation as defined in section (2) of this rule.

(B) The review and issuance of each initial permit application will follow the procedures of section (3) and subsection (5)(D) of this rule, Modeling Required.

(C) The review of any modifications to the portable plant will follow the amendment procedures outlined in section (11) of this rule.

(D) The relocation of a portable plant from a site will follow the procedures outlined below:

1. For permitted portable equipment operating at a different location not previously approved in a permit or an amendment—

A. The owner or operator shall submit to the permitting authority a Portable Source Relocation Request, property boundary plot plan, and the equipment layout for the site;

B. Each relocation request shall be accompanied with the relocation fees as described in paragraph (3)(H)9. of this rule; and

C. The permitting authority shall make the final determination and, if appropriate, approve the relocation request no later than twenty-one (21) calendar days after receipt of the complete Portable Source Relocation Request; and

2. For permitted portable equipment operating at a location previously approved in a permit or an amendment, and conditions at the site have not changed (new sources approved to operate at the location)—

A. When relocating portable equipment to a site that is listed on the permit or on the amended permit, the owner or operator shall report the move to the permitting



authority on a Portable Source Relocation Request for authorization to operate in a new location as soon as possible, but not later than seven (7) calendar days prior to ground breaking or initial equipment erection;

B. No fees are associated with this authorization; and

C. Authorization will be presumed if notification of denial is not received by the specified ground breaking or equipment erection date.

(E) The director may require an air quality analysis that is not required under subsection (5)(D) of this rule if it is likely that the emissions of the proposed construction or modification will affect air quality or the air quality standards listed in paragraphs (3)(I)3. through 6. of this rule or complaints filed in the vicinity.

(5) Minor Permits.

(A) Applicability. This section applies to the installations that need a permit under subsection (1)(A), but are not subject to:

1. Section (4), (7), (8), (9), or (10) of this rule; and

2. Do not request coverage under section (6) of this rule.

(B) The submittal and review of each permit application and issuance of each permit will follow the procedures of section (3) of this rule and, when applicable, subsection (12)(A), Appendix A of this rule.

(C) In order to eliminate the necessity for a large number of *de minimis* permit applications from a single installation, a special case *de minimis* permit may be developed for those batch-type production processes that frequently change products and component source operations. Operating in violation of the conditions of a special case *de minimis* permit is a violation of this rule.

(D) Modeling Required. Any construction or modification, which has an emissions increase greater than *de minimis* threshold levels or the HAP is greater than the SMALs taking into account any federally enforceable conditions shall complete an air quality analysis for the affected pollutant in accordance with subsection (5)(F) of this rule. At minimum, the installation will demonstrate that the proposed construction or modification will not—

1. Interfere with the attainment or maintenance of NAAQS and the air quality standards established in 10 CSR 10-6.010; or

2. Cause or contribute to an exceedance of the RALs for all pollutants that exceed the SMALs.

(E) Exception: Notwithstanding the modeling required in subsection (5)(D) of this rule, the director may require additional air quality analysis if—

1. It is likely that the emissions of the proposed construction or modification will affect air quality or the air quality standards

listed in paragraphs (3)(I)3. through 6. of this rule;

2. It is likely that the construction or modification will result in the discharge of HAPs in quantities, of characteristics, and of a duration that directly and proximately cause or contribute to injury to human, plant, or animal life or the use of property; or

3. Complaints filed in the vicinity of the proposed construction or modification warrant an air quality analysis.

(F) Air Quality Analysis.

1. All estimates of ambient concentrations required under this subsection are based on applicable air quality models, databases, and other requirements specified in the U.S. Environmental Protection Agency's (EPA) Guideline on Air Quality Models at appendix W of 40 CFR 51.

2. The air quality analysis demonstration required in subsection (5)(D) of this rule or required by the director in subsection (5)(E) of this rule is deemed to have been made if the emissions increase from the proposed construction or modification alone would cause, in all areas, air quality impacts less than the amounts listed in Table 1 in paragraph (5)(F)3. of this rule.

3. Table 1—Significant Levels for Air Quality Impact in Class II Areas.

Pollutant	Averaging Time				
	Annual	24-hour	8-hour	3-hour	1-hour
SO ₂	1.0	5		25	7.9
PM ₁₀		5			
PM _{2.5}	0.2	1.2			
NO ₂	1.0				7.5
CO			500		2000

Individual HAP Significant Impact Levels are equal to four (4) percent of the respective RALs listed in the table referenced in subparagraph (5)(F)6.A. of this rule.

Note: All impacts in micrograms per cubic meter.

4. In the event the director requires modeling under subsection (5)(E) of this rule, ambient air concentration increases shall be limited to the applicable maximum allowable increase listed in Table 2 over the baseline concentration in any attainment or unclassified area. Table 2 is located in paragraph (5)(F)5. of this rule.

5. Table 2—Ambient Air Increment Table.

Pollutant	Maximum Allowable Increase	Class I Areas	
		Particulate Matter 2.5 Micron:	
Annual arithmetic mean	1		
24-hour maximum	2		
Particulate Matter 10 Micron:			
Annual arithmetic mean	4		
24-hour maximum	8		
Sulfur Dioxide:			
Annual arithmetic mean	2		
24-hour maximum	5		
3-hour maximum	25		

Nitrogen Dioxide:

Annual arithmetic mean 2.5

Class II Areas

Particulate Matter 2.5 Micron:

Annual arithmetic mean 4

24-hour maximum 9

Particulate Matter 10 Micron:

Annual arithmetic mean 17

24-hour maximum 30

Sulfur Dioxide:

Annual arithmetic mean 20

24-hour maximum 91

3-hour maximum 512

Nitrogen Dioxide:

Annual arithmetic mean 25

Class III Areas

Particulate Matter 2.5 Micron:

Annual arithmetic mean 8

24-hour maximum 18

Particulate Matter 10 Micron:

Annual arithmetic mean 34

24-hour maximum 60

Sulfur Dioxide:

Annual arithmetic mean 40

24-hour maximum 182

3-hour maximum 700

Nitrogen Dioxide:

Annual arithmetic mean 50

Notes:

1. All increases in micrograms per cubic meter. For any period other than an annual period, the applicable maximum allowable increase may be exceeded during one (1) period once per year at any one (1) location.

2. There are two (2) Class I Areas in Missouri—one (1) in Taney County (Hercules Glade) and one (1) in Wayne and Stoddard Counties (Mingo Refuge).

3. There are no Class III Areas in Missouri at this time.

6. HAPs table and public review.

A. The director shall maintain a table of RALs and SMALs for HAPs.

B. Public review: The permitting authority will make available for public review any changes to RALs or SMALs of any HAP in accordance with the following procedures:

(I) The permitting authority issues a draft proposal for use of alternate RALs or SMALs and any supporting information relied upon for the proposed changes by publishing a notice on the permitting authority's website;

(II) Any interested person may submit relevant information materials and views to the permitting authority, in writing, until the thirtieth day after the date of publication of the notice. The comment period may be extended by thirty (30) calendar days if a written request is received within twenty-five

(25) calendar days of the original notice;

(III) The permitting authority considers all written comments submitted within the time specified in the public notice in making the final decision on the approvability of the values subject to change;

(IV) The permitting authority makes a final determination on whether to approve, approve with changes, or deny the changes;

(V) Any changes made to the proposed values as a result of public comments will go through public notice again following the procedures outlined in parts (5)(F)6.B.(I) through (V) of this rule;

(VI) Final decisions and response to comments will be made available to the public on the permitting authority's website; and

(VII) The values become effective on the date of final publication. The permitting authority shall finalize the values within thirty (30) days from the end of the public comment period.

7. Special considerations for stack heights and dispersion techniques.

A. The degree of emission limitation necessary for control of any air pollutant under this rule is not affected in any manner by—

(I) That amount of the stack height of any installation exceeding GEP stack height; or

(II) Any other dispersion technique.

B. Paragraph (5)(F)7. of this rule does not apply to stack heights on which construction commenced on or before December 31, 1970, or to dispersion techniques implemented on or before December 31, 1970.

C. Before the permitting authority issues a permit under this rule based on stack heights that exceed GEP, the permitting authority must notify the public of the availability of the demonstration study and provide opportunity for a public hearing.

D. This paragraph does not require that actual stack height or the use of any dispersion technique be restricted in any manner.

(6) General Construction Permit.

(A) General Construction Permit Requirements. The permitting authority may issue a general construction permit in accordance with the following:

1. The general construction permit may be written to cover a category of a single emission unit, the same type of emission units, or an entire minor source if the sources in the category meet all of the following criteria:

A. Are similar in nature. Similar in nature refers to the facility size, processes,

and operating conditions;

B. Have substantially similar emissions; and

C. Would be subject to the same or substantially similar requirements governing operations, emissions, monitoring, reporting, or recordkeeping;

2. The following analyses will be completed by the permitting authority in drafting the general construction permit:

A. A technical review of the source category is completed by the permitting authority to determine the appropriate level of control, if any, as well as any emission or operational limitations for the affected emission units at the source as necessary to assure that ambient air quality is maintained; and

B. The permitting authority's analysis of the effect of the construction of the minor source or modification under the general permit on ambient air quality; and

3. The general permit must contain at minimum the following elements:

A. Identification of the specific category of emission units or sources to which the general permit applies, including any criteria that the emission units or source must meet to be eligible for coverage under the general permit;

B. The emission units subject to the permit and their associated emission limitations;

C. Monitoring, recordkeeping, reporting, and testing requirements to assure compliance with the emission limitations;

D. The effective date of the general permit;

E. Any additional general permit terms and conditions as deemed necessary to assure that ambient air quality is maintained; and

F. Provisions that would prohibit the facility from violating any other applicable state or federal rule.

(B) Public Participation Requirements.

1. Before issuing a general construction permit, the permitting authority must provide a thirty (30)-calendar-day period for the public to review the general construction permit and the materials relied upon for its development. The permitting authority will solicit comments on the draft general construction permit by electronically publishing a notice on the department's website and sending a copy of the notice to the administrator.

2. The public notice will contain the following:

A. A description of the general construction permit and the category of emission units it is expected to cover;

B. The locations available for public inspection of the materials listed in paragraph (6)(B)4. of this rule. The locations at minimum shall include the Air Pollution Control

Program's central office and a posting on the department's website; and

C. The procedures for submitting comments as stated in paragraph (6)(B)3. of this rule.

3. Public comment: Any interested person may submit relevant information materials and views to the permitting authority, in writing, until the end of the thirtieth day after the date of publication of the notice.

4. The following materials will be made available for public inspection during the entire public notice period: the draft general permit for each source category and the documents listed in paragraph (6)(A)2. of this rule. This will not include any confidential information as defined in 10 CSR 10-6.210.

(C) Amending the General Construction Permit. General construction permits may be modified after the general construction permit is issued. In the event that the permitting authority would like to modify any portion of the general construction permit or if the permitting authority makes changes other than clerical corrections to supporting documents, the permitting authority will undergo the public participation requirements under subsection (6)(B) of this rule before being considered final agency action.

(D) Reevaluation of the analyses conducted under paragraph (6)(A)2. of this rule will be conducted by the permitting authority for each general construction permit issued by the permitting authority every ten (10) years. The permitting authority will issue a public notice in accordance with paragraph (6)(B)2. of this rule and provide a thirty (30)-calendar-day period for the public to review the permitting authority's analyses and conclusions and to provide public comment in accordance with paragraph (6)(B)3. of this rule. If changes to the general construction permit are viewed as necessary by the permitting authority, the procedures outlined under subsection (6)(C) of this rule will be followed.

(E) The director will make available to the applicants the following material for each general construction permit developed by the permitting authority:

1. A request for coverage form that the applicant must provide to the permitting authority to demonstrate that the new construction or modification is eligible for coverage under the general construction permit; and

2. A list of any additional information deemed necessary by the permitting authority to determine eligibility for coverage.

(F) Obtaining Coverage under a General Construction Permit.

1. If a source qualifies for a general construction permit, the owner or operator may request coverage under that permit to



the permitting authority on the effective date of the permit. The effective date of each permit will be posted on the department's website.

2. A source that seeks to vary from the general construction permit, and obtain an emission limitation, control, or other requirement not contained in that permit shall apply for a permit pursuant to other sections of this rule.

3. The permitting authority must make a request for any additional information necessary to process the coverage request within ten (10) days of receipt of application.

4. The permitting authority must approve or disapprove the request for coverage under the general construction permit within thirty (30) days of receipt of the coverage request. The permitting authority shall outline the reasons for disapproval within the thirty (30)-day review period.

5. If the permitting authority makes a request for more information, the additional time needed by the applicant to submit the information is not taken into account in the thirty (30) days the permitting authority has to process the coverage request. If the permitting authority fails to notify the applicant within the thirty (30)-day period, coverage under the general construction permit is considered to be granted.

6. If the permitting authority determines that the request for coverage meets all of the requirements of the general construction permit, the permitting authority will issue notification of approval.

7. If request for coverage under a general construction permit is approved—

A. The facility must retain a copy of the notification granting such request at the site where the source is located; and

B. The facility must comply with all conditions and terms of the general construction permit.

(G) The director may revoke authorization of coverage under the general construction permit and require the facility to apply for and obtain an individual construction permit. Cases where an individual construction permit may be required include, but are not limited to, the following:

1. The facility is not in compliance with the conditions of the general construction permit;

2. The emission units covered under the general construction permit are part of a larger construction or modification that includes units not covered under the general construction permit; or

3. The owner or operator does not start actual construction within two (2) years of being granted coverage under the general permit.

(H) Any owner or operator authorized by a

general construction permit may request to be excluded from the coverage of the permit by applying for an individual permit. When an individual permit is issued to an owner or operator otherwise subject to a general construction permit, the applicability of the general construction permit for the emission units covered under the general construction permit is terminated automatically on the effective date of the individual permit.

(I) The department must maintain and make available upon request the supporting documents used to create the general construction permit and any other material provided during the public notice period required under subsection (6)(B) of this rule.

(J) Final Agency Action. Issuance of a general construction permit is considered final agency action with respect to all aspects of the permit except its applicability to an individual source. The sole issue that may be appealed after an individual source is approved to construct under a general construction permit is the applicability of the permit to that particular source.

(7) Nonattainment Area Major Permits.

(A) Definitions. Solely for the purposes of this section, the following definitions apply to terms in place of definitions for which the term is defined elsewhere, including the reference to 40 CFR 52.21 in paragraph (7)(B)6. of this rule:

1. Chemical process plant—These plants include ethanol production facilities that produce ethanol by natural fermentation included in North American Industry Classification System codes 325193 or 312140; and

2. The following terms defined under paragraphs (a)(1)(iv) through (vi) and (x) of 40 CFR 51.165 promulgated as of July 1, 2018, are hereby incorporated by reference in this section, as published by the Office of the Federal Register. Copies can be obtained from the U.S. Publishing Office Bookstore, 710 N. Capitol Street NW, Washington, DC 20401. This rule does not incorporate any subsequent amendments or additions:

A. Major stationary source;

B. Major modification, except that any incorporated provisions that are stayed shall not apply. The term major, as used in this definition, means major for the nonattainment pollutant;

C. Net emissions increase; and

D. Significant.

(B) Applicability Procedures. The following provisions of this subsection are used to determine, prior to beginning actual construction, if a project is a new major stationary source or a major modification at an existing stationary source:

1. Except for sources with a PAL in compliance with subsection (7)(D) of this rule, and in accordance with the definition of

the term major modification contained in subparagraph (7)(A)2.B. of this rule, a project is a major modification if it causes two (2) types of emissions increases for the nonattainment pollutant—a significant emissions increase and a significant net emissions increase. The project is not a major modification if it does not cause a significant emissions increase. If the project causes a significant emissions increase, then the project is a major modification only if it also results in a significant net emissions increase;

2. The emissions increase from the project is determined by taking the sum of the emissions increases from each emissions unit affected by the project. An emissions unit is considered to be affected by the project if an emissions increase from the unit would occur as a result of the project, regardless of whether a physical change or change in the method of operation will occur at the particular emissions unit;

3. For each existing emissions unit affected by the project, the emissions increase is determined by taking the difference between the projected actual emissions for the completed project and the baseline actual emissions. In accordance with the definition of the term projected actual emissions under 40 CFR 52.21 as incorporated by reference in subsection (8)(A) of this rule, the owner or operator of the major stationary source may elect to use the existing emission unit's potential to emit in lieu of the projected actual emissions for this calculation;

4. For each new emissions unit affected by the project, the emissions increase is equal to the potential to emit;

5. The procedure for calculating the net emissions increase (the significance of which is the second criterion for determining if a project is a major modification) is contained in the definition of the term net emissions increase found in section (2) of this rule; and

6. The provisions of subsection (7)(B) of this rule do not apply to a source or modification that would be a major stationary source or major modification only if fugitive emissions, to the extent quantifiable, are considered in calculating the potential to emit of the stationary source or modification, and the source does not belong to one (1) of the source categories listed in items (i)(1)(vii)(a)–(aa) of 40 CFR 52.21, which is incorporated by reference in subsection (8)(A) of this rule.

(C) Permit Requirements. Permits to construct a new major stationary source for the nonattainment pollutants, or for a major modification to an existing major stationary source of nonattainment pollutants, must meet the following to be issued:

1. By the time the source is to commence operation, sufficient emissions offsets shall be obtained to ensure reasonable further progress toward attainment of the applicable

NAAQS and consistent with the requirements of paragraphs (a)(3) and (a)(9) of 40 CFR 51.165 promulgated as of July 1, 2018, and hereby incorporated by reference in this section, as published by the Office of the Federal Register. Copies can be obtained from the U.S. Publishing Office Bookstore, 710 N. Capitol Street NW, Washington, DC 20401. This rule does not incorporate any subsequent amendments or additions;

2. In the case of a new or modified installation located in a zone (within the nonattainment area) identified by the administrator, in consultation with the Secretary of Housing and Urban Development, as a zone for which economic development should be targeted, emissions of that pollutant resulting from the proposed new or modified installation will not cause or contribute to emissions levels exceeding the allowance permitted for that pollutant for that zone from new or modified installations;

3. Offsets have been obtained in accordance with paragraph (7)(C)1. and with the banking procedures in 10 CSR 10-6.410;

4. The administrator has not determined that the state implementation plan is not being adequately implemented for the nonattainment area in which the proposed source is to be constructed or modified;

5. Temporary installation and portable sources are exempt from this section provided that the source applies best available control technology (BACT) for each pollutant emitted in a significant amount;

6. The applicant provides documentation establishing that all installations in Missouri, which are owned or operated by the applicant, (or by any entity controlling, controlled by, or under common control with the applicant) are subject to emission limitations and are in compliance, or are on a schedule for compliance, with all applicable requirements;

7. Permit applications include a control technology evaluation to demonstrate that any new major stationary source or major modification will meet the lowest achievable emission rate (LAER) for all new or modified emission units, unless otherwise provided in this section;

8. Any new major stationary source or major modification to be constructed in an area designated nonattainment complies with LAER as determined by the director and set forth in the construction permit pursuant to this section, except where otherwise provided in this section;

9. The applicant provides an alternate site analysis; and

10. The applicant provides an analysis of impairment to visibility in any Class I area (those designated in 40 CFR 52.21 as incorporated by reference in subsection (8)(A) of this rule) that would occur as a result of the installation or major modification and as a

result of the general, commercial, residential, industrial, and other growth associated with the installation or major modification.

(D) Plantwide Applicability Limits (PALs). The provisions of subsection (aa) of 40 CFR 52.21, which is incorporated by reference in subsection (8)(A) of this rule, govern PALs of the nonattainment pollutant for projects at existing major stationary sources in an area designated nonattainment, except that—

1. The term Administrator means the director of the Missouri Department of Natural Resources' Air Pollution Control Program;

2. The term BACT or LAER and the term BACT are both considered LAER for the nonattainment pollutant;

3. The term PSD program, as it appears in 40 CFR 52.21(aa)(1)(ii)(b), and the term major NSR program, as it appears in 52.21(aa)(1)(ii)(c), are both nonattainment area permit programs of this section; and

4. The director shall not allow a PAL for VOC or NO_x for any existing major stationary source located in an extreme ozone nonattainment area.

(E) Reporting and Record Keeping. This subsection applies to projects at existing major stationary sources, without a PAL, which are exempt from the permit requirements of subsection (7)(C) of this rule as a result of the applicability determination made in subsection (7)(B) of this rule. The owner or operator of such sources shall comply, in regards to the nonattainment pollutant, with the provisions of paragraph (r)(6) of 40 CFR 52.21, which is incorporated by reference in subsection (8)(A) of this rule, except that the term Administrator means the director of the Missouri Department of Natural Resources' Air Pollution Control Program.

(F) Any construction or modification that will impact a federal Class I area is subject to the provisions of 40 CFR 52.21 as incorporated by reference in subsection (8)(A) of this rule.

(G) Before issuing a permit subject to this section, the permitting authority will issue a draft permit and related materials for public comment in accordance with the procedures for public participation as specified in subsection (12)(A), Appendix A of this rule.

(H) The director of the Missouri Department of Natural Resources' Air Pollution Control Program shall transmit to the administrator of the EPA a copy of each permit application filed under section (7) of this rule and notify the administrator of each significant action taken on the application.

(8) Attainment and Unclassified Area Major Permits.

(A) All of the subsections of 40 CFR 52.21, other than (a) Plan disapproval, (q)

Public participation, (s) Environmental impact statements, and (u) Delegation of authority, promulgated as of July 1, 2018, are hereby incorporated by reference in this rule, as published by the Office of the Federal Register. Copies can be obtained from the U.S. Publishing Office Bookstore, 710 N. Capitol Street NW, Washington, DC 20401. This rule does not incorporate any subsequent amendments or additions.

(B) Administrator as it appears in 40 CFR 52.21 means the director of the Missouri Department of Natural Resources' Air Pollution Control Program except in the following, where it refers to the administrator of the EPA:

1. (b)(17) Federally enforceable;
2. (b)(37)(i) Repowering;
3. (b)(43) Prevention of Significant Deterioration (PSD) program;
4. (b)(48)(ii)(c);
5. (b)(50) Regulated NSR pollutant;
6. (b)(51) Reviewing authority;
7. (g) Redesignation;
8. (l) Air quality models;
9. (p)(2) Federal Land Manager; and
10. (t) Disputed permits or redesignations.

(C) Before issuing a permit subject to this section, the permitting authority will issue a draft permit and related materials for public comment in accordance with the procedures for public participation as specified in subsection (12)(A), Appendix A of this rule.

(D) The director of the Missouri Department of Natural Resources' Air Pollution Control Program shall transmit to the administrator of the EPA a copy of each permit application filed under section (8) of this rule and notify the administrator of each significant action taken on the application.

(E) Applicants must obtain emission reductions, obtained through binding agreement prior to commencing operations and subject to 10 CSR 10-6.410, equal to and of a comparable air quality impact to the new or increased emissions in the following circumstances when the:

1. Area has no increment available; or
2. Proposal will consume more increment than is available.

(9) Major Case-by-Case Hazardous Air Pollutant Permits. Case-by-case permits must meet the requirements of 40 CFR 63, subpart B promulgated as of July 1, 2018, and hereby incorporated by reference in this rule, as published by the Office of the Federal Register. Copies can be obtained from the U.S. Publishing Office Bookstore, 710 N. Capitol Street NW, Washington, DC 20401. This rule does not incorporate any subsequent amendments or additions. Before issuing a permit subject to this section, the permitting authority will issue a draft permit and related materials for public



comment in accordance with the procedures for public participation as specified in subsection (12)(A), Appendix A of this rule.

(10) Temporary Operations and Pilot Trials.

(A) A temporary permit shall be issued pursuant to this section only if it is determined that the applicant meets the following criteria:

1. The duration of the temporary operation or pilot trial will be less than two (2) years;
2. The potential emissions from the construction or modification of an installation or source is less than one hundred (100) tons per year; and
3. The permitting authority receives the application for authority to construct prior to the start of the construction.

(B) The pilot trials covered by this section do not include pilot trials used for any of the following:

1. The production of a product for sale, unless such sale is only incidental to the use of the pilot process or process equipment; or
2. The treatment or disposal of waste that is designated, by listing or specified characteristic, as hazardous under federal regulations or state rules.

(C) This section of this rule does not apply to facilities or sources whose main operations are—

1. Experimental in nature; or
2. Characterized by frequent product changes.

(D) The director may require an air quality analysis of the temporary operation or pilot trial if it is likely that the emissions of the proposed construction or modification will affect air quality or the air quality standards listed in paragraphs (3)(I)3. through 6. of this rule or complaints filed in the vicinity of the proposed construction or modification warrant an air quality analysis.

(11) Permit Amendments to Final Permits.

(A) No changes in the proposed installation or modification may be made that would change any information in a finalized permit, except in accordance with this section.

(B) If the requested change will result in increased emissions, air quality impact, or increment consumption, and is submitted after the final notice of permit processing fee due, a new permit application is required for the requested change.

(C) Applicants with changes shall submit in writing a request for permit amendment to the permitting authority.

(D) The amendment request, at minimum, shall include the following:

1. A detailed description of the proposed changes;
2. Any changes to the emission calculations;

tions;

3. Any new requirements that will apply if the change occurs;

4. A list of permit terms and conditions that differ from those in the previous permit or application; and

5. Any other information under section (3) of this rule required by the permitting authority.

(E) Administrative Amendments.

1. For the purposes of this section, administrative amendments are those requested changes meeting any of the following criteria:

- A. Correction to typographical errors;
- B. Addition of or changes to the language for the sole purpose of clarification of permit language; or
- C. Changes to frequency of monitoring, recordkeeping, or reporting.

2. The permitting authority will make a final determination for an administrative amendment request no later than thirty (30) calendar days after receipt of a written request, taking into account any additional time necessary for missing information or public notice, if applicable.

(F) Technical Amendments.

1. All other amendments involving changes to a permit will be considered technical amendments. Changes may include, but are not limited to, the following:

- A. Any proposed change to an existing process or device resulting in any change in allowable hourly or annual emissions;
- B. Any proposed change to operating or emission limitations;
- C. Any proposed change in the type of pollution control equipment specified in the existing permit; or
- D. Any proposed change resulting in the need to conduct a new air pollution modeling impact analysis.

2. The permitting authority will make a final determination for a technical amendment request in the same timeframe as listed in subsection (3)(F) of this rule for the section that the permit was initially issued under, taking into account any additional time necessary for missing information. Amendments to permits issued under section (5) of this rule will be issued no later than ninety (90) calendar days after receipt of a written request and amendments to permits issued under section (7), (8), or (9) of this rule will be issued no later than one hundred eighty-four (184) calendar days after written receipt of a request.

(G) Any new submittal is subject to all requirements of this rule.

(H) The applicant must submit the accrued permit processing fee from the original application to the permitting authority before the permitting authority will accept an amendment request.

(I) Amended permit fees are subject to the requirements of paragraph (3)(H)9. of this rule.

(12) Appendices.

(A) Appendix A, Public Participation.

1. This subsection shall apply to applications under sections (7), (8), and (9) of this rule, applications for source operations or installations emitting five (5) or more tons of lead per year, and applications containing GEP stack height demonstrations that exceed GEP.

2. For those applications subject to section (7), (8), or (9) of this rule, the permit issuance process timeline of one hundred eighty-four (184) days includes a forty (40)-day public comment period with an opportunity for a public hearing and the period for the permitting authority's response to comments that were submitted during the public comment period.

A. Draft for public comment and public hearing opportunity. The permitting authority shall issue a draft permit and solicit comments and requests for a public hearing by publishing a notice in a newspaper of general circulation within or nearest to the county in which the project is proposed to be constructed or operated. In lieu of the newspaper notice, the notice may be an electronic notice posted on the department's website.

B. Public notice. The public notice shall include the following:

- (I) Name, address, phone number, and representative of the agency issuing the public notice;
- (II) Name and address of the applicant;
- (III) A description of the proposed project, including its location and permits applied for;

(IV) For permits issued pursuant to section (7), a description of the amount and location of emission reductions that will offset the emissions increase from the new or modified source; and include information on how LAER was determined for the project, when appropriate;

(V) For permits issued pursuant to section (8), the degree of increment consumption, when appropriate;

(VI) The permitting authority's draft permit and a statement of permitting's authority to approve, approve with conditions, or deny a permit;

(VII) A statement that the public may request a public hearing on the draft permit as stated in subparagraph (12)(A)2.E. of this rule and that the public hearing will be canceled if a request is not received;

(VIII) A statement that any interested person may submit relevant information materials and views on the draft permit as stated in subparagraph (12)(A)2.F. of this rule; and

(IX) The time and location of the public hearing if one is requested.

C. Materials made available during the public notice period. The following materials shall be made available for public inspection during the entire public notice period at the Department of Natural Resources regional office in the region in which the proposed installation or major modification would be constructed, as well as at the Air Pollution Control Program office:

(I) A copy of materials submitted by the applicant and used in making the draft permit;

(II) A copy of the draft permit; and

(III) A copy or summary of other materials, if any, considered in making the draft permit.

D. Distribution of public notice. At the start of the public notice period, the permitting authority sends a copy of the public notice to the following:

(I) The applicant; and

(II) To officials and agencies having cognizance over the location where the proposed construction would occur as follows:

(a) The administrator;

(b) Local air pollution control agencies;

(c) The chief executive of the city and county where the installation or modification would be located;

(d) Any comprehensive regional land use planning agency;

(e) Any state air program permitting authority;

(f) Any Federal Land Manager whose lands may be affected by emissions from the installation or modification; and

(g) Any Indian Governing Body whose lands may be affected by emissions from the installation or modification.

E. Public hearing.

(I) A public hearing shall be scheduled not less than thirty (30) nor more than forty (40) days from the date of publication of the notice.

(II) The public hearing will be held by the department if a public hearing request is received within twenty-eight (28) days of the publication of the notice, otherwise the public hearing will be canceled.

(III) At the public hearing, any interested person may submit any relevant information, materials, and views in support of or opposed to the permit.

(IV) The public hearing shall be held in the county in which all or a major part of the proposed project is to be located.

(V) The permitting authority may designate another person to conduct any hearing under this section.

F. Public comment. Any interested person may submit relevant information materials and views to the permitting authority, in writing, until the end of the fortieth day

after the date of publication of the notice for public hearing.

G. Public comment and applicant response. The permitting authority shall consider all written comments submitted within the time specified in the public notice and all comments received at the public hearing, if one is held, in making a final decision on the approvability of the application. No later than ten (10) days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The permitting authority shall consider the applicant's response in making a final decision. The permitting authority shall make all comments available for public inspection in the same locations where the permitting authority made available prehearing information relating to the proposed installation or modification. Further, the permitting authority shall prepare a written response to all comments under the purview of the Air Pollution Control Program and make them available at the locations referred to previously.

H. Final permit. The permitting authority shall make the final permit available for public inspection at the same locations where the permitting authority made available prehearing information and public comments relating to the installation or modification. The permitting authority shall submit a copy of this final permit to the administrator.

I. Public notice exception. If the administrator has provided public notice and opportunity for public comment and hearing equivalent to that provided by this subsection, the permitting authority may make a final determination without providing public notice and opportunity for public comment and hearing required by this subsection.

3. This paragraph is for those applications not subject to section (7), (8), or (9) of this rule, but which propose an emission of five (5) or more tons of lead per year or applications containing GEP stack height demonstrations. For these applications, completing the final determination within ninety (90) calendar days after receipt of the complete application involves performing the same public participation activities as those subject to section (7), (8), or (9) of this rule, but within shorter time frames. The following specifies the new time frames:

A. Public notice shall begin no later than forty-five (45) calendar days after receipt of a complete application;

B. The public comment period will last for thirty (30) calendar days, starting with the public notice;

C. Public hearing—The public hearing will be scheduled between days twenty-three (23) and thirty (30). The permitting authority will accept comments up to the thirtieth day; and

D. Applicant response—No later than

five (5) calendar days after the end of the public comment period, the applicant may submit a written response to any comments submitted.

(B) Appendix B, Unified Review. When the construction or modification and operation of any installation requires a construction permit under this rule, and an operating permit or its amendment, under 10 CSR 10-6.065, the installation will receive a unified construction and operating permit, or its amendment, and a unified review, hearing, and approval process, unless the applicant requests in writing that the application for a construction and operating permit, or its amendment, be reviewed separately. Under this unified review process, the applicant shall submit all the applications, forms, and other information required by the permitting authority.

1. Review of applications. The permitting authority completes any unified review within one hundred eighty-four (184) calendar days, as provided under the procedures of this rule and 10 CSR 10-6.065, Operating Permits Required.

2. Issuance of permits. As soon as the unified review process is completed, if the applicant complies with all applicable requirements under this rule and 10 CSR 10-6.065, the construction permit and the operating permit, or its amendment, is issued to the applicant and the applicant may commence construction. The permitting authority will retain the operating permit until validated pursuant to this section.

3. Validation of operating permits. Within one hundred eighty (180) calendar days after commencing operation, the holder of an operating permit, or its amendment, issued by the unified review process shall submit to the permitting authority all information required by the permitting authority to demonstrate compliance with the terms and conditions of the issued operating permit, or its amendment. The permittee shall also provide information identifying any applicable requirements that became applicable subsequent to issuance of the operating permit. Within thirty (30) calendar days after the applicant's request for validation, the permitting authority will take action denying or approving validation of the issued operating permit, or its amendment. If the permittee demonstrates compliance with both the construction and operating permits, or its amendment, the permitting authority validates the operating permit, or its amendment, and forwards it to the permittee. No part 70 permit will be validated unless—

A. At the time of validation, the permitting authority certifies that the issued permit contains all applicable requirements; or

B. The procedures for permit renewal



in 10 CSR 10-6.065(6)(E)3. have occurred prior to validation to ensure the inclusion of any new applicable requirements to which the part 70 permit is subject.

4. Additional procedures needed for unified reviews of this rule's section (4), (5), (6), (7), (8), (9), or (10) unified review construction permit applications and part 70 operating permit applications.

A. Permit review by the administrator and affected states.

(I) Administrator review.

(a) Copies of applications, proposals, and final actions. The applicant will provide two (2) copies of the information included in an application. The permitting authority will forward to the administrator one (1) copy of each permit application and each final operating permit.

(b) Administrator's objection. No permit shall be issued under this rule if the administrator objects to its issuance in writing within forty-five (45) days after receipt of the proposed permit and all necessary supporting information.

(c) Failure to respond to objection. If the permitting authority does not respond to an objection of the administrator by transmitting a revised proposed permit within ninety (90) calendar days after receipt of that objection, the administrator may issue or deny the permit in accordance with the CAA.

(d) Public petitions for objection. If the administrator does not object to a proposed permit action, any person may petition the administrator to make such an objection within sixty (60) days after expiration of the administrator's forty-five (45)-day review period.

I. This petition may only be based on objections raised during the public review process, unless the petitioner demonstrates that it was impracticable to raise objection during the public review period (including when the grounds for objection arose after that period).

II. If the administrator responds to a petition filed under this section by issuing an objection, the permitting authority will not issue the permit until the objection has been resolved. If the permit was issued after the administrator's forty-five (45)-day review period, and prior to any objection by the administrator, the permitting authority shall treat that objection as if the administrator were reopening the permit for cause. In these circumstances, the petition to the administrator does not stay the effectiveness of the issued permit, and the permittee shall not be in violation of the requirement to have submitted a complete and timely permit application.

(II) Affected state review.

(a) Notice of draft actions. The permitting authority will give notice of each draft permit to any affected state on or before the time that the permitting authority provides notice to the public. Affected states may comment on the draft permit action during the period allowed for public comment, as shall be set forth in a notice to affected states.

(b) Refusal to accept recommendations. If the permitting authority refuses to accept all recommendations for a proposed permit action that any affected state has submitted during the review period, the permitting authority shall notify the administrator and the affected state in writing of its reasons for not accepting those recommendations.

B. Proposals for review. Following the end of the public comment period, the permitting authority shall prepare and submit to the administrator a proposed permit.

(I) The proposed permit shall be issued no later than forty-five (45) days after the deadline for final action under this section and shall contain all applicable requirements that have been promulgated and made applicable to the installation as of the date of issuance of the draft permit.

(II) If new requirements are promulgated or otherwise become newly applicable to the installation following the issuance of the draft permit, but before issuance of a final permit, the permitting authority may elect to either—

(a) Extend or reopen the public comment period to solicit comments on additional draft permit provisions to implement the new requirements; or

(b) If the permitting authority determines that this extension or reopening of the public comment period would delay issuance of the permit unduly, the permitting authority may include in the proposed or final permit, or both, a provision stating that the operating permit will be reopened immediately to incorporate the new requirements and stating that the new requirements are excluded from the protection of the permit shield. If the permitting authority elects to issue the proposed or final permit, or both, without incorporating the new requirements, the permitting authority, within thirty (30) calendar days after the new requirements become applicable to the source, shall institute proceedings pursuant to this section to reopen the permit to incorporate the new requirements. These reopening proceedings may be instituted, but need not be completed, before issuance of the final permit.

C. Action following the administrator's review.

(I) Upon receipt of notice that the administrator will not object to a proposed permit that has been submitted for the admin-

istrator's review pursuant to this section, the permitting authority shall issue the permit as soon as practicable, but in no event later than the fifth day following receipt of the notice from the administrator.

(II) Forty-five (45) days after transmittal of a proposed permit for the administrator's review, and if the administrator has not notified the permitting authority that s/he objects to the proposed permit action, the permitting authority shall promptly issue the permit, but in no event later than the fiftieth day following transmittal to the administrator.

(III) If the administrator objects to the proposed permit, the permitting authority shall consult with the administrator and the applicant, and shall submit a revised proposal to the administrator within ninety (90) calendar days after the date of the administrator's objection. If the permitting authority does not revise the permit, the permitting authority will so inform the administrator within ninety (90) calendar days following the date of the objection and decline to make those revisions. If the administrator disagrees with the permitting authority, the administrator may issue the permit with the revisions incorporated.

(C) Appendix C, Increment Tracking.

1. The permitting authority will track ambient air increment consumption within the baseline areas.

2. Available increments will be allocated on a first-come, first-serve basis. The marked received date of a complete application will be used by the permitting authority to determine which applicant is entitled to prior allocation of increments.

3. At the intervals of five (5) years from the minor source baseline date, the permitting authority shall determine the actual air quality increment available or consumed for each baseline area.

AUTHORITY: section 643.050, RSMo 2016. Original rule filed Dec. 10, 1979, effective April 11, 1980. Amended: Filed Nov. 10, 1980, effective April 11, 1981. Amended: Filed Jan. 14, 1981, effective June 11, 1981. Rescinded and readopted: Filed Nov. 10, 1981, effective May 13, 1982. Amended: Filed June 14, 1982, effective Dec. 11, 1982. Amended: Filed Jan. 15, 1985, effective May 11, 1985. Amended: Filed Jan. 6, 1986, effective May 11, 1986. Amended: Filed April 2, 1987, effective Aug. 27, 1987. Amended: Filed Jan. 5, 1988, effective April 28, 1988. Amended: Filed June 2, 1988, effective Sept. 29, 1988. Amended: Filed Sept. 6, 1988, effective Jan. 1, 1989. Amended: Filed Jan. 24, 1990, effective May 24, 1990. Rescinded and readopted: Filed Sept. 2, 1993, effective May 9, 1994. Amended: Filed Dec. 15, 1994, effective Aug. 30, 1995. Amended: Filed Aug.*

14, 1997, effective April 30, 1998. Amended: Filed April 15, 1999, effective Nov. 30, 1999. Amended: Filed Sept. 4, 2001, effective May 30, 2002. Amended: Filed Aug. 2, 2002, effective April 30, 2003. Amended: Filed March 5, 2003, effective Oct. 30, 2003. Amended: Filed May 17, 2004, effective Dec. 30, 2004. Amended: Filed Oct. 15, 2008, effective July 30, 2009. Emergency amendment filed Dec. 15, 2010, effective Jan. 3, 2011, expired July 1, 2011. Amended: Filed Nov. 30, 2010, effective Aug. 30, 2011. Amended: Filed Jan. 31, 2012, effective Sept. 30, 2012. Amended: Filed March 13, 2013, effective Oct. 30, 2013. Amended: Filed Aug. 17, 2015, effective March 30, 2016. Amended: Filed June 29, 2018, effective March 30, 2019. Amended: Filed Aug. 26, 2019, effective May 30, 2020. **

*Original authority: 643.050, RSMo 1965, amended 1972, 1992, 1993, 1995, 2011.

**Pursuant to Executive Order 21-07, 10 CSR 10-6.060, paragraph (3)(H)5. was suspended from April 19, 2021 through June 30, 2021.

10 CSR 10-6.061 Construction Permit Exemptions

PURPOSE: This rule lists specific construction or modification projects that are exempt from the requirement to obtain permits to construct under 10 CSR 10-6.060.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Applicability. This rule applies throughout the state of Missouri. Notwithstanding the provisions of this rule, 10 CSR 10-6.060 applies to any construction, reconstruction, alteration, or modification which—

(A) Is expressly required by an operating permit; or

(B) Is subject to federally-mandated construction permitting requirements set forth in sections (7), (8), (9), or any combination of these, of 10 CSR 10-6.060.

(2) Definitions. Definitions for certain terms used in this rule are found in 10 CSR 10-6.060, Construction Permits Required.

(3) General Provisions. The following construction or modifications are exempt from

the requirement to obtain a permit under 10 CSR 10-6.060:

(A) Sources of Emissions.

1. The following combustion equipment that emits only combustion products and produces less than one hundred fifty (150) pounds per day of any air contaminant:

A. Combustion equipment using exclusively natural gas, liquefied petroleum gas, or any combination of these with a heat input capacity of less than ten (10) million British thermal units (Btus) per hour;

B. Combustion equipment with a heat input capacity of less than one (1) million Btus per hour;

C. Drying or heat treating ovens with less than ten (10) million Btus per hour heat input capacity provided the oven does not emit pollutants other than the combustion products and the oven is fired exclusively by natural gas, liquefied petroleum gas, or any combination thereof; and

D. Oven with a total production of yeast-leavened bakery products of less than ten thousand (10,000) pounds per operating day heated either electrically or exclusively by natural gas firing with a maximum heat input capacity of less than ten (10) million Btus per hour.

2. The following establishments, systems, equipment, and operations:

A. Office and commercial buildings, where emissions result solely from space heating by natural or liquefied petroleum gas with a heat input capacity of less than twenty (20) million Btus per hour. Incinerators operated in conjunction with these sources are not exempt unless the incinerator operations are exempt under another section of this rule;

B. Comfort air conditioning or comfort ventilating systems not designed or used to control air pollutant emissions;

C. Equipment used for any mode of transportation;

D. Livestock markets and livestock operations, including animal feeding operations and concentrated animal feeding operations as those terms are defined under 40 CFR 122.23 promulgated as of July 1, 2017, and hereby incorporated by reference in this rule, as published by the Office of the Federal Register. Copies can be obtained from the U.S. Publishing Office Bookstore, 710 N. Capitol Street NW, Washington DC 20401. This rule does not incorporate any subsequent amendments or additions. In addition, all manure storage and application systems associated with livestock markets or livestock operations, that were constructed on or before November 30, 2003. This exemption includes any change, installation, construction, or reconstruction of a process, process equipment, emission unit, or air cleaning device after November 30, 2003, unless such change, installation, construction, or reconstruction involves an increase in the operation's capacity to house or grow animals;

E. Grain handling, storage, and drying facility which—

(I) Is in noncommercial use only (used only to handle, dry, or store grain produced by the owner) if—

(a) The total storage capacity does not exceed seven hundred fifty thousand (750,000) bushels;

(b) The grain handling capacity does not exceed four thousand (4,000) bushels per hour; and

(c) The facility is located at least five hundred feet (500') from any recreational area, residence, or business not occupied or used solely by the owner;

(II) Is in commercial or noncommercial use and—

(a) The total storage capacity of the new and any existing facility(ies) does not exceed one hundred ninety thousand (190,000) bushels;

(b) Has an installation of additional grain storage capacity in which there is no increase in hourly grain handling capacity and that utilizes existing grain receiving and loadout equipment; or

(c) Is a temporary installation used for temporary storage as a result of exceptional events (e.g., natural disasters or abundant harvests exceeding available storage capacity) that meets the following criteria:

I. Outside storage structures shall have a crushed lime or concrete floor with retaining walls of either constructed metal or concrete block. These structures may be either oval or round and must be covered with tarps while storing grain. These structures may be filled by portable conveyor or by spouts added from existing equipment;

II. Existing buildings may be filled by portable conveyors directly or by overhead fill conveyors that are already in the buildings;

III. The potential to emit from the storage structures is less than one hundred (100) tons of each pollutant;

IV. The attainment or maintenance of ambient air quality standards is not threatened; and

V. There is no significant impact on any Class I area;

F. Restaurants and other retail establishments for the purpose of preparing food for employee and guest consumption;

G. Wet sand and gravel production facility that meets the following criteria:

(I) Processed materials are obtained from subterranean and subaqueous beds where the deposits of sand and gravel are consolidated granular materials resulting from natural disintegration of rock and stone;

(II) Maximum production rate is less than five hundred (500) tons per hour;

(III) All permanent roads within the facility are paved and cleaned, or watered, or properly treated with dust-suppressant chemicals as necessary to achieve